Any action taken during this meeting is subject to reconsideration during this meeting or at the next. A request for reconsideration at the next meeting must be submitted in writing by a Planning Commissioner (who voted on the prevailing side) by the close of business the day following the meeting.

**Opening Statements, and Consent Agenda Which Included:**

*Minutes from October 11, 2016 PC Meeting.

*Minutes from October 25, 2016 PC Meeting.

*V2017-005 A request by Brian Roberts on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 2,841 square feet to the minimum lot size requirement of 40,000 square feet in the General Use 1 (GU-1) zone on Tax Lot 3606, T1N R1W. (Located at 314 Birch Hill Road, on the east side of Birch Hill Road, southeast of Steese Highway). (Staff Contact: Stacy Wasinger)

**CONDITIONS:**

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

**FINDINGS OF FACT:**

1. A special condition of non-conformity of lot size was created on the property by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way.
   a. The applicant has requested the least amount of variance from the GU-1 minimum lot size requirement necessary to accommodate the acquisition of 5,965 square feet of right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Birch Hill Road.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.
6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 regarding lot size and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The property is currently vacant and no use is proposed that is not allowed in the GU-1 zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Birch Hill Bicycle and Pedestrian Facility project.

*V2017-006* A request by Daniel Pistor on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 121 square feet to the minimum lot size requirement of 40,000 square feet in the Rural Residential (RR) zone on Lot 2, Skol Subdivision. (Located on the east side of Birch Hill Road, southeast of Steese Highway). (Staff Contact: Stacy Wasinger)

**CONDITIONS:**

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

**FINDINGS OF FACT:**

1. A special condition of non-conformity of lot size was created on the property by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way.
   
   a. The applicant has requested the least amount of variance from the RR minimum lot size requirement necessary to accommodate the acquisition of 458 square feet of right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Birch Hill Road.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
   
   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.
   
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.
6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 regarding lot size and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The property is currently vacant and no use is proposed that is not allowed in the RR zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Birch Hill Bicycle and Pedestrian Facility project.

Audio Track 1

AGENDA & CONSENT AGENDA APPROVED

V2017-001 A request by Brian Roberts on behalf of Calvin and Cindy Stageman for a lot size highway variance of 29,183 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone. (Located at 1815 Rozak Road, on the west side of Rozak Road, south of Richardson Highway) (Staff Contact: Stacy Wasinger)

CONDITIONS:
1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

FINDINGS OF FACT:
1. A special condition of increasing the legal non-conformity of lot size was created on the property by the State of Alaska acquiring land for the Richardson Highway right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Richardson Highway.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.

a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.
6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Richardson Highway project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

   a. ADEC does not have record or approval of the existing wastewater system on the parcel. However, approval of the variance would not increase public health, safety, and welfare concerns from the existing wastewater system because the land acquired will not affect the separation of the well and existing septic system, which is located to the west on the rear of the property away from the area of acquisition.

7. The property owner did not create the special condition on the property or the need for a variance.

8. A single-family residence and accessory uses are permitted in the GU-1 zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Richardson Highway project.

Audio: Track 1 & 2

APPROVED

V2017-002 A request by Brian Roberts on behalf of Jonathan Pearson for a lot size highway variance of 12,056 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone on Lot 1, Block 1 Badger Industrial Park Subdivision. (Located on the east side of Midland Street, south of Richardson Highway) (Staff Contact: Stacy Wasinger).

CONDITIONS:

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

FINDINGS OF FACT:

1. A special condition of a non-conforming lot size was created on the property by the State of Alaska acquiring land for the Richardson Highway right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Richardson Highway.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.

b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety and welfare because it fulfills procedural requirements related to the accommodation of development of the Richardson Highway project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 and state statute. The variance would not adversely affect the public health, safety, and welfare because the property is currently undeveloped and the proposed variance does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The parcel is currently vacant and the proposed variance does not include a use that would not be allowed in the GU-1 zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Richardson Highway project.

Audio: Track 1 & 3

APPROVED

V2017-003 A request by Brian Roberts on behalf of Jonathan Pearson for a lot size highway variance of 4,833.56 square feet to the minimum lot size requirement of 40,000 feet in the General Use 1 (GU-1) zone on Lot 2, Block 1 Badger Industrial Park Subdivision. (Located east of Midland Street, south of Richardson Highway) (Staff Contact: Stacy Wasinger).

CONDITIONS:

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

FINDINGS OF FACT:

1. A special condition of a non-conforming lot size was created on the property by the State of Alaska acquiring land for the Richardson Highway right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Richardson Highway.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.

4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.
5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety and welfare because it fulfills procedural requirements related to the accommodation of development of the Richardson Highway project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 and state statute. The variance would not adversely affect the public health, safety, and welfare because the property is currently undeveloped and the proposed variance does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The parcel is currently vacant and the proposed variance does not include a use that would not be allowed in the GU-1 zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Richardson Highway project.

Audio: Track 1 & 3

APPROVED

V2017-004 A request by Brian Roberts on behalf of the State of Alaska Department of Transportation & Public Facilities for a lot size highway variance of 4,783 square feet to the minimum lot size requirement of 40,000 square feet in the Rural Residential (RR) zone on Lot 1, Skol Subdivision. (Located on the east side of Birch Hill Road, southeast of Steese Highway) (Staff Contact: Stacy Wasinger).

CONDITIONS:

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

FINDINGS OF FACT:

1. A special condition of non-conformity of lot size was created on the property by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way.
   a. The applicant has requested the least amount of variance from the RR minimum lot size requirement necessary to accommodate the acquisition of 4,082 square feet of right-of-way.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Birch Hill Road.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.
4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the undersized lot does not comply with Title 18.
   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding lot size.
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for lot size.

6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 regarding lot size and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The property is currently vacant and no use is proposed that is not allowed in the RR zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Birch Hill Bicycle and Pedestrian Facility project.

Audio: Track 4

APPROVED

V2017-007 A request by Daniel Pistor on behalf of the State of Alaska Department of Transportation & Public Facilities for a setback highway variance of 3 feet to the minimum rear-yard setback requirement of 25 feet in the Rural Residential (RR) zone on Lot 40C, Vue Crest Subdivision. (Located at 344 Scenic Hills Court, on the west side of Birch Hill Road, south of Steese Highway) (Staff Contact: Stacy Wasinger).

CONDITION:

1. Owner’s authorization is required for the variance approval to be valid. AKDOT & PF shall provide a copy of such written authority to the Fairbanks North Star Borough Community Planning Department.

FINDINGS OF FACT:

1. A special condition was created on the property by the State of Alaska acquiring land for the Birch Hill Bicycle and Pedestrian Facility project right-of-way creating a non-conforming front-yard setback.

2. The proposed variance conforms to the intent and purpose of this title and of other ordinances and Alaska Statutes because it is consistent with the FNSB Comprehensive Plan Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved safety and access on Birch Hill Road.

3. FNSBC 18.104.070 allows the Planning Commission to grant variances to the numerical standards of Title 18 that are the direct result of right-of-way acquisition for highway projects.
4. State statute requires AKDOT & PF to comply with local planning and zoning ordinances (AS 35.30.020). This statute went into effect in 1977 and requires AKDOT & PF to obtain a variance for right-of-way acquisition for current projects.

5. Denial of the proposed variance will deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area because the 22 foot rear-yard setback does not comply with Title 18.
   a. The purpose of this request is to fulfill procedural requirements related to the accommodation of development of the highway project and regain compliance with Title 18 regarding setbacks.
   b. Strict interpretation would also have the secondary effect of depriving the Applicant of full rights that other property owners enjoy to refinance or sell their property via conventional financing and/or otherwise encumber their property if they cannot demonstrate compliance with Title 18 for setbacks.

6. Approval of the variance would protect public health, safety or welfare because it fulfills procedural requirements related to the accommodation of development of the Birch Hill Bicycle and Pedestrian Facility project, which improves public safety and allows the Applicant to bring their property into compliance with Title 18 regarding setbacks and state statute. The variance would not adversely affect the public health, safety, and welfare because it does not affect traffic or parking conditions or increase the danger of fire.

7. The property owner did not create the special condition on the property or the need for a variance.

8. The property is currently developed with a single-family residence and accessory uses, which are permitted uses in the RR zone.

9. The proposed variance is not sought solely to relieve pecuniary hardship or inconvenience because the need for the variance in order to be in compliance with Title 18 is the result of property acquisition for the Birch Hill Bicycle and Pedestrian Facility project.

Audio: Track 4

APPROVED

Closing Comments and Adjournment.

Audio: Track 5

Further information may be obtained from FNSB Department of Community Planning at 459-1260