Please refer to Planning Commission Rule #25: 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.

Roll Call, Opening Statements, Agenda and *Consent Agenda.

Commissioners Present:  Chris Guinn  Doug Sims
John Perreault  Charles Whitaker
Eric Muehlingq  Mike Kenna

Commissioners Absent & Excused:  Toni Abbey  Kerynn Fisher

APPROVAL OF THE AGENDA AND CONSENT AGENDA

*MINUTES


Audio Track 1

AGENDA AND CONSENT AGENDA APPROVED NOTING CORRECTION OF MINUTES

QUASI-JUDICIAL HEARINGS

1. V2019-003  A request by Steven Brooks ADOT&PF Right-of-Way Agent, on behalf of George E. Sikorski for lot size variance of 111 square feet from the legal non-conforming size of 130,680 square feet in the RA-5 zone which has a 200,000 square feet minimum lot size to allow a lot of 130,569 square feet. The property is located at 878 McGrath Road.

Audio: Track 1

CONDITIONS OF APPROVAL

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. This land was originally patented on December 16, 1925. There was no zoning for this area in 1925.

2. The lot was created by deed on July 24, 1967. When the lot was created in 1967 it was legal in size as there was no zoning in effect and no required minimum lot size.

3. The “Lot of Record” is defined as “a plot of land, the description of which has been recorded in the office of the District Magistrate.”

4. When the area was initially zoned in 1968 it was zoned as Unrestricted Use (UU) and at that time did not have a minimum lot size requirement.

5. In 1971 the lot was rezoned to General Agriculture with a 200,000 square foot minimum lot size.

6. The acquisition of 111 square feet of right-of-way in February 2018 for the McGrath Road Upgrade project increased the lot size non-conformity, thus a variance is required.

7. The special condition requiring a variance was the property acquisition by AKDOT for the McGrath Road Upgrade project which increased legal non-conformity of lot size.

8. This right-of-way acquisition will also require re-platting of this lot.

9. 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 Transportation and Infrastructure Goal 1 “To have a safe, efficient, multi-modal transportation system that anticipates community growth”. Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved geometrics and sight distance on McGrath Road.

10. With the acquisition of the right-of-way, there is still adequate distance between the well and septic on the lot. All setback requirements are met.

11. 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.

12. Neighboring property owners have developed their properties with a variety of residential uses. With the approved variance the current property owner will be able to use the existing property for the current residential use or for a number of allowed uses in the RA-5 zone, as the surrounding properties have been allowed.
13. Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. Denial of the Variance would require DOT to purchase the entire parcel, thus depriving the current owners of its use. The substandard lot does not comply with Title 18 requirements without a variance.

14. The proposed variance is needed to be in compliance with Title 18 is the result of property acquisition for the McGrath Road Upgrade project.

V2019-003 APPROVED
[SIX IN FAVOR/ ZERO OPPOSED]

This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

2. **V2019-004** A request by Steven Brooks ADOT&PF Right-of-Way Agent, on behalf of Quinton O. Parker for lot size variance of 4,440 square feet from the legal non-conforming lot size of 95,832 square feet in the RA-5 zone which has a 200,000 square feet minimum lot size to allow for a lot of 91,392 square feet. This parcel is located at 814 McGrath Road.

**Audio: Track 1**

**FINDINGS OF FACT**

1. This land was originally patented on December 16, 1925. There was no zoning for this area in 1925.

2. On April 4, 1967 the lot was created by Warranty Deed. At that time it was a legal lot size as there were no zoning requirements or restrictions on lot size.

3. The “Lot of Record” is defined as “a plot of land, the description of which has been recorded in the office of the District Magistrate.”

4. When the area was initially zoned in 1968 it was zoned as Unrestricted Use (UU) and at that time did not have a minimum lot size requirement.
5. In 1971 the lot was rezoned to General Agriculture with a 200,000 square foot minimum lot size.

6. Although the lot was undersized for the GA zone it was of a legal size when created, so this action made the lot Legal Non-Conforming.

7. The acquisition of 4440 square feet of right-of-way for the McGrath Road Upgrade project was acquired in February 2018 and increased the lot size non-conformity as it pertains to lot size, thus a variance is required. The special condition requiring a variance was the property acquisition by AKDOT for the McGrath Road Upgrade Project, which increased the legal non-conformity of lot size.

8. This right-of-way acquisition will also require re-platting of this lot.

9. 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 Transportation and Infrastructure Goal 1 “To have a safe, efficient, multi-modal transportation system that anticipates community growth”. Land Use Goal 1 Strategy 3, protects private property rights, and promotes the public health, safety, and welfare by improved geometrics and sight distance on McGrath Road.

10. With the acquisition of the right-of-way, there is still adequate distance between the well and septic on the lot to maintain Health Safety, and Welfare concerns.

11. 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.

12. Neighboring property owners have developed their properties with a variety of residential uses. With the approved variance the current property owner will be able to use the existing property for the current residential use or for a number of allowed uses in the RA-5 zone, as the surrounding properties have been allowed.

13. Denial of the proposed variance would deprive the applicant the use of their property in a manner as permitted to the owners of properties in the immediate area. Denial of the Variance would require DOT to purchase the entire parcel, thus depriving the current owners of its use. The substandard lot does not comply with Title 18 requirements without a variance.

14. The proposed variance is needed to be in compliance with Title 18 is the result of property acquisition for the McGrath Road Upgrade project.
V2019-004 APPROVED
[SIX IN FAVOR/ ZERO OPPOSED]

This decision may be appealed in writing to the Office of the Borough Clerk within fifteen (15) days from the date of the decision to the Fairbanks North Star Borough Board of Adjustment.

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