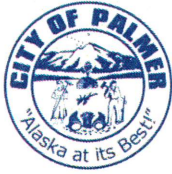




**CITY OF PALMER
PLANNING & ZONING COMMISSION
INFORMATION MEMORANDUM 23-003**

- SUBJECT:** Request for a variance to PMC 17.20.060(C)(1), Minimum Setback Requirements to allow for a 15-foot (15") reduction to the required 25' front yard setback for Lot 2, Promissory Point subdivision, located in Section 5, Township 17 North, Range 2 East, Seward Meridian
- AGENDA OF:** February 16, 2023
- ACTION:** After consideration, either grant or deny the requested variance.
- Attachment(s):**
- 1) Staff Report to Commission with Findings of Fact
 - 2) Resolution 23-002
 - 3) Application with supplemental information from applicant
 - 4) Copy of plat map
 - 5) Public Hearing Notice and Vicinity Map
 - 6) Copy of mailing address labels
 - 7) Public Responses to Notice (if any)
- Summary:** The parcel is vacant and zoned R-1, Single-family Residential which requires a 25' front yard setback. The owner is requesting the variance due to the unusual lot shape, topographic conditions, in combination with the required 25' front yard setback, combine to uniquely affect the usability of the lot.
- Recommendation:** Community Development recommends granting the Variance to PMC 17.20.060(C)(1), Minimum Setback Requirements to allow for a 15-foot (15") reduction to the required 25' front yard setback for Lot 2, Promissory Point subdivision, located in Section 5, Township 17 North, Range 2 East, Seward Meridian.



Community Development Variance Application

Staff Report to Commission

PART I. GENERAL INFORMATION

Location:	Lot 2, Promissory Point subdivision	
Site Address:	No house number; located in Section 5, Township 17 North, Range 2 East, Seward Meridian	
Request:	Request a variance to PMC 17.20.060(C)(1) Minimum Setback Requirements, to allow for a 15-foot (15') reduction to the required 25' front yard setback.	
Applicant(s) & Owner:	Noel Kopperud	
Public Hearing Date:	February 16, 2023	
Notification Requirements:	In accordance with PMC 17.80.030	
On January 30, 2023, 53 public hearing notices were mailed to property owners within 1,200' of the site. Notification of the public hearing was published in the Frontiersman on February 10, 2023. A total of 0 written comments were received in response to this rezone application.		

PART II. BACKGROUND

Site Information:

Lot 2 is a vacant piece of land located at the bend in the road on E. Helen Drive across from first Baptist Church. Access is from E. Helen Drive. On May 26, 2005, the plat of Promissory Point Plat No. 2005-64 recorded creating Lot 2 with several vacations of slope, public use and right-of-way easements as shown on the plat.

The lot is triangular and contains a 30' utility easement along the north portion of the lot that increases to 50' in certain areas. The lot is located on the top of a steep hill; topographic mapping shows contours with elevations of 40' along most of the eastern and southeastern portion of the lot.

Parcel Size:

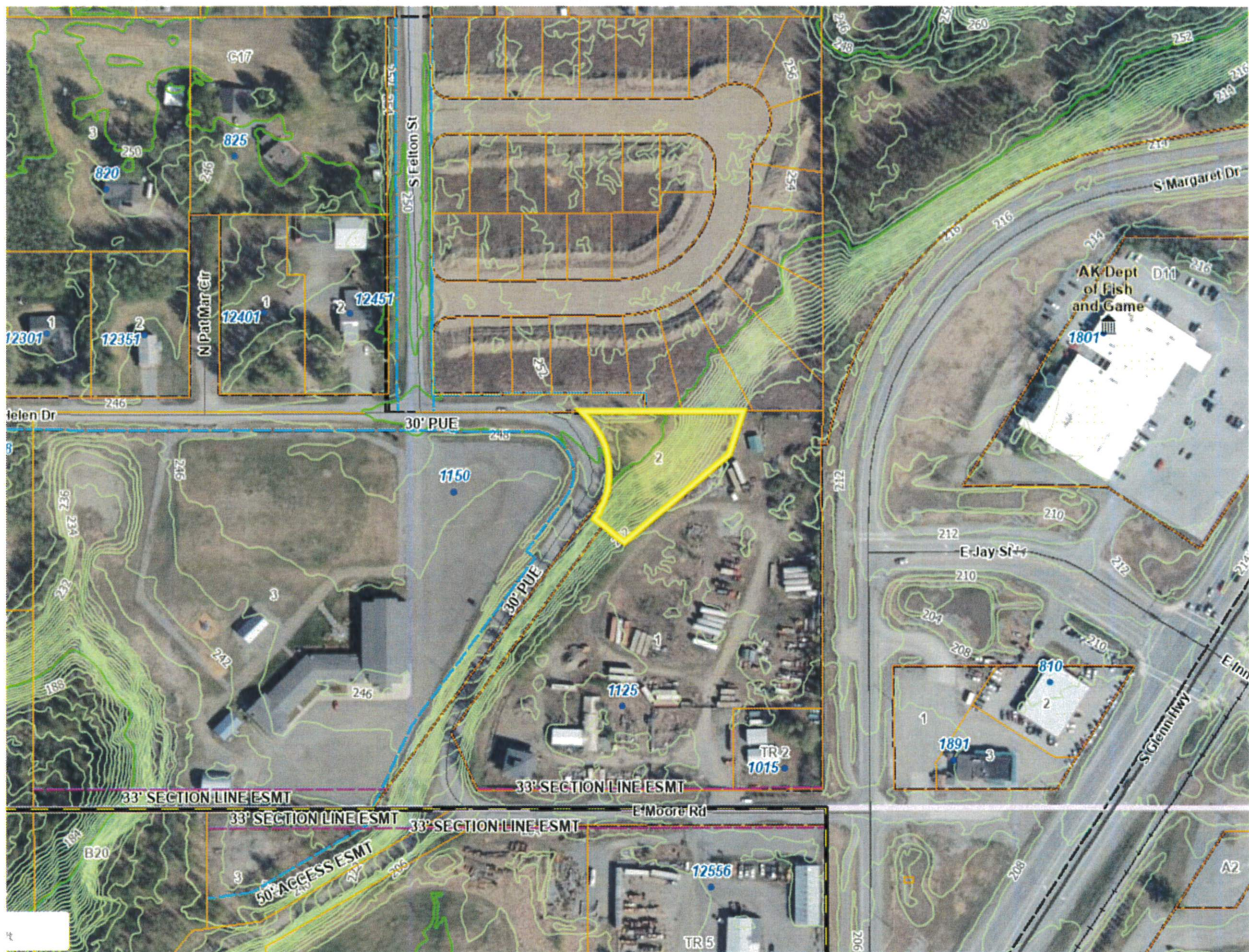
Lot 2 is approximately 0.76 acres, 33,304 square feet.

Existing Zoning:

R-1, Single-family Residential

Surrounding Land Uses:

	<u>Zoning</u>	<u>Land use for surrounding areas</u>
North	P & CG	Bugge Park & Fred Meyer gas station
East	R-2	Low density residential, ARRC #1 subdivision
South	R-4 & CG	Multi-family/apartments, post office & U-Haul
West	R-1	Single family, The Highlands across S. Glenn Hwy



Considerations:

Lot 2 exceeds the required minimum lot width of 60' and the required minimum lot area of 7,200 square feet. Title 17 of the Palmer Municipal Code recognizes that there are special cases where unusual physical features of a particular property, strict application of the zoning regulations would render the property unusable or create unreasonable hardship. Variances are intended to allow a relaxation of the terms of this title in such cases.

Code Requirements:

In the R-1, Single-family Residential District, PMC 17.20.060(C)(1) Minimum setback requirements for front yard is 25 feet.

17.76.020 Requirements for a variance.

In order to grant a variance, the commission must find that each of the following requirements has been met:

- A. That there are unusual circumstances applying to the property that do not apply generally to other properties in the same vicinity and that the problem of the applicant is not the result of his own action;

Applicant's response:

The City had me provide a water & sewer easement (black line area on attached detail map) to serve the Baptist church and homes along Helen Drive. This easement on the north side of my lot, in addition to underground MEA & Enstar distribution lines crossing the City

easement, now force any building footprint to the south side of my lot, where a 15' reduction in the road setback would allow better utilization of the very limited flat ground on which to build.

The supplemental variance materials include area calculations illustrated on Borough topo maps that concentrate on the hilltop space available for building on my lot. The materials show that without a variance to the 25' setback, there will only be about 3,100 sq. ft. of space available on which to build.

Staff Findings:

- 1) The applicant entered into an Agreement with the City of Palmer and executed a Deed for Easement for sewer and water mains and services to run along the north 30' of the lot increasing to 50' in certain areas. Unlike other properties in the vicinity, Lot 2, Promissory Point is burdened by this easement.
- 2) Due to the easement along the north side of the property, the steep 40' elevations along the south and southeast portion of the property and the required 25' front yard setback lying to the west of the property, these conditions create an unreasonable hardship to develop the remaining triangular shaped area to be utilized for a single-family dwelling.
- 3) Multiple conditions consisting of unusual lot shape, topographic conditions and required setbacks, combine to create the unusual circumstances applying to this property that do not apply to the surrounding properties in the area.

- B.** That strict interpretation of this title would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this title;

Applicant's response:

Helen Drive makes a 90-degree curve bordering the west side of my lot, such that strict application of 25' road setback (orange line on detail map) is especially invasive into the remaining flat, buildable southern portion of my lot.

Other nearby property owners do not face similar spatial challenges on the magnitude that my lot has. For example, the smallest lot in the recently approved Green Acres subdivision (adjacent tract of land to the north) is approximately 8,400 sq. ft., burdened with only a 15' utility easement.

Staff Findings:

- 1) Other properties in the R-1 district have 25' front and rear setbacks with either a 6' or 10' side yard setback.
- 2) The strict application of this title would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this title if Lot 2, Promissory Point was developed in compliance with PMC 17.20.060(C)(1) Minimum Setback Requirements. Minimum setback requirements would deny the applicant of having as much useable lot space as commonly enjoyed by owners of lots with similar dimensions in this area because of peculiar topography of the lot and an easement uniquely applying to this lot.

- C.** That the authorization of the variance will not be injurious to nearby property nor harmful to the public welfare;

Applicant's response:

The area where the road setback variance is sought (green dashed -line area and elevations on detail map) lies near a portion of Helen Drive where the roadway is lower in elevation than the grade of my lot, as the road is designed & constructed to begin descent of a steep hill. This difference in grade between the road and my lot indicates that any reduction in the setback would not materially affect either the road or its right-of-way.

The supplemental aerial image which I've forwarded demonstrates that there is over 19 ft. of ditch line and back-slope space between the Helen Drive pavement and my property line. The road is descending near the southern portion of my lot and accordingly there is no direct relationship between the roadway and the setback area, which is behind a property line fence and a row of spruce trees I planted.

It should also be noted that the radius turn of Helen Drive, coupled with the road (or 'PUE') plus water & sewer easements at this location makes creates a relationship between the road and my lot that is similar to a corner lot. My lot sits alone and does not have directly relate to any other neighboring property. PMC 17.20.060(C)(3) confirms that the street side setback on a corner lot would be 10'. Under these circumstances my application for a variance does not make a request that would be injurious to any nearby property.

Staff Findings:

There is no evidence to support a finding that granting the variance will be injurious to nearby property or harmful to the public welfare as the lot is set apart from neighboring properties due to elevation on one side and being adjacent to the rear yards of a recently created but undeveloped subdivision on the other side.

- D.** That the granting of the variance will be in harmony with the objectives of this title and the comprehensive plans;

Applicant's response:

Granting a 15' reduction to the 25' road setback will be consistent with plans made by the City of Palmer at the time the lot was created. The variance will accommodate the development of a building site comparable to those in the adjacent City-approved subdivision discussed in paragraph 'F' below. Specifically, when the water & sewer main lines were extended, the City installed hookups on my lot (purple marks on detail map) which demonstrate the intent for future development of a building on the lot.

PMC 17.76.010(B) confirms that variances are intended to allow a relaxation of the terms of this title where strict application of the regulations would render the property unusable or create unreasonable hardship. It is submitted that this case presents facts in which efforts to build in the limited triangular-shaped hilltop space without a variance will result in unreasonable hardship.

One of the highlights of the Chapter 6 of the Palmer Comprehensive Plan (on Land Use) states that the City's first goal should be to "maintain the quality of existing neighborhoods, and provide space for diversity of new residential uses..." My lot sits alone in a prominent location with all utilities adjacent or installed. Making provision for the reasonable development of such residential properties in consistent with Palmer's comprehensive plan.

Staff Findings:

- 1) The intent of the R-1 district is to establish a district in which the principal use of land is for single-family dwellings and to encourage construction of and use of the land for single-family dwellings.
- 2) The strict application of PMC 17.20.060(C)(1) Minimum Setback Requirements would significantly impact the development of the lot for residential purposes.

- 3) Granting of the variance will be in harmony with the City of Palmer Comprehensive Plan which states in Chapter 6, Land Use, Goal 2, "Maintain high quality residential neighborhoods; promote development of a range of desirable new places to live in Palmer."

- E. That the application is due to unusual lot shape, topographic condition or governmental action or regulations which render the property unusable;

Applicant's response:

The contours on the detail map show that my lot is located on a steep hill, with only a small flat hilltop area available as a footprint for building construction. Also, the curved shape of the lot on the west side along Helen Drive conflicts with the curve of the eastern (hillside) portion of the lot. The result is the 25' road setback would cut deeply into the most buildable southern portion of the lot. (See relationship of orange setback line to the circled 248' elev. point)

The attached MSB topographical color printouts illustrate that the most buildable portion of my hilltop lot was consumed by the easement I provided to the City for extension of water & sewer mains. None of the burden for the location of the utilities was borne by adjacent property. The remaining space for building on my lot is triangular. This feature is compounded by setbacks from Helen Drive and the hillside to the east. The facts in this case are consistent with the conclusion that the variance application is due to unusual lot shape, topographic conditions, governmental action and regulations which render the property unusable or create unreasonable hardship.

Staff Findings:

The variance application of Lot 2, Promissory Point is due to unusual triangular lot shape, topographic conditions showing contours of 40' elevations on majority of the property and required setbacks which combine to significantly impact the development of the lot for a single-family dwelling. As a result of the topographical conditions on Lot 2, the 33,304sf lot is reduced to a buildable area of approximately 4,000sf based on information provided by the applicant.

- F. That the granting of the variance will not permit a land use in a district in which that use is prohibited.

Applicant's response:

The City recently approved the development of the immediately adjacent 11-acre hilltop tract of land to the north into 35 single family house lots. My lot development is consistent with the residential land use adopted in this area by the City of Palmer.

I have lived in Palmer for the last 78 years and I have worked on this hillside lot for at least 20 years. My intention is to build a residential building on the site that will make the best use of this unique property. The granting of the variance will not permit a land use that is prohibited in this area. My development is consistent with the residential use designated by the City for this area.

Staff Findings:

The granting of this variance will permit a land use that is a permitted use in the R-1 Single-family Residential District by relaxing the terms of this title relating to required setbacks to encourage the use of the land for construction of a single-family dwelling.

17.76.060 Conditions.

In granting a variance, the commission may prescribe conditions and safeguards to assure conformity with the purposes of this title.

Recommendation:

Staff recommends two conditions to be placed on the variance:

1. Development is limited to a single-family residential dwelling with provision of adequate off-street parking area in compliance with PMC 17.64; no parking shall be allowed within the reduced 10' front yard setback; and
2. All development must comply with all city, borough, state and federal rules, laws and statutes.

17.76.070 Commission decision.

The commission shall render a decision on the application for the variance within 30 calendar days from the date of the public hearing.

PART III. STAFF RECOMMENDATION

A variance must meet each requirement under PMC 17.76.020. Staff recommends granting of the variance for Lot 2, Promissory Point, reducing the minimum front yard setback required by PMC 17.20.060(C)(1) from 25' to 10 feet based on the following conditions:

1. Development is limited to a single-family residential dwelling with provision of adequate off-street parking area in compliance with PMC 17.64; no parking shall be allowed within the reduced 10' front yard setback; and
2. All development must comply with all city, borough, state and federal rules, laws and statutes.

17.76.100 RIGHT OF APPEAL.

The commission's decision may be appealed pursuant to Chapter 17.98 PMC. Right of appeal is forfeited unless a written appeal is delivered to the clerk within 20 days of the commission's decision.

PALMER PLANNING AND ZONING COMMISSION

RESOLUTION NO. 23-002

A RESOLUTION OF THE PALMER PLANNING AND ZONING COMMISSION GRANTING A VARIANCE TO PMC 17.20.060(C)(1) MINIMUM SETBACK REQUIREMENTS IN THE R-1 DISTRICT TO ALLOW FOR A 15-FOOT REDUCTION TO THE REQUIRED 25-FOOT FRONT YARD SETBACK LOCATED ON LOT 2, PROMISSORY POINT, LOCATED IN SECTION 5, TOWNSHIP 17 NORTH, RANGE 2 EAST, SEWARD MERIDIAN

WHEREAS, Noel Kopperud, owner, submitted an application on January 9, 2023, to request a variance from PMC 17.20.060(C)(1) Minimum Setback Requirements to allow for a 15-foot reduction to the required 25-foot front yard setback on Lot 2, Promissory Point, located in Section 5, Township 17 North, Range 2 East, Seward Meridian; and

WHEREAS, on January 30, 2023, 53 public hearing notices were mailed to property owners within 1,200' of the site in accordance with PMC 17.80.030. Notification of the public hearing was published in the Frontiersman on February 10, 2023. A total of 0 written comments were received in response, with 0 in favor of, 0 opposed and 0 no objection; and

WHEREAS, Variances are granted by the Planning and Zoning Commission of the City of Palmer in accordance with PMC 17.76 and the Commission may prescribe conditions and safeguards to assure conformity with the purposes of the Palmer Zoning Code; and

WHEREAS, the Commission has made the following findings that do support the granting of a Variance from PMC 17.20.060(C)(1) Minimum Setback Requirements to allow for a 15-foot reduction to the required 25-foot front yard setback:

Findings of Facts:

- A.** That there are unusual circumstances applying to the property that do not apply generally to other properties in the same vicinity and that the problem of the applicant is not the result of his own action;

Staff Findings:

- 1) The applicant entered into an Agreement with the City of Palmer and executed a Deed for Easement for sewer and water mains and services to run along the north 30' of the lot increasing to 50' in certain areas. Unlike other properties in the vicinity, Lot 2, Promissory Point is burdened by this easement; and
- 2) Due to the easement along the north side of the property, the steep 40' elevations along the south and southeast portion of the property and the required 25' front yard setback lying to the west of the property, these conditions create an unreasonable hardship to develop the remaining triangular shaped area to be utilized for a single-family dwelling; and
- 3) Multiple conditions consisting of unusual lot shape, topographic conditions and required setbacks, combine to create the unusual circumstances applying to this property that do not apply to the surrounding properties in the area.

- B.** That strict interpretation of this title would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this title;

Staff Findings:

- 1) Other properties in the R-1 district have 25' front and rear setbacks with either a 6' or 10' side yard setback.
 - 2) The strict application of this title would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this title if Lot 2, Promissory Point was developed in compliance with PMC 17.20.060(C)(1) Minimum Setback Requirements. Minimum setback requirements would deny the applicant of having as much useable lot space as commonly enjoyed by owners of lots with similar dimensions in this area because of peculiar topography of the lot and an easement uniquely applying to this lot.
- C.** That the authorization of the variance will not be injurious to nearby property nor harmful to the public welfare;

Staff Findings:

- 1) There is no evidence to support a finding that granting the variance will be injurious to nearby property or harmful to the public welfare as the lot is set apart from neighboring properties due to elevation on one side and being adjacent to the rear yards of a recently created but undeveloped subdivision on the other side.
- D.** That the granting of the variance will be in harmony with the objectives of this title and the comprehensive plans;

Staff Findings:

- 1) The intent of the R-1 district is to establish a district in which the principal use of land is for single-family dwellings and to encourage construction of and use of the land for single-family dwellings.
 - 2) The strict application of PMC 17.20.060(C)(1) Minimum Setback Requirements would significantly impact the development of the lot for residential purposes.
 - 3) Granting of the variance will be in harmony with the City of Palmer Comprehensive Plan which states in Chapter 6, Land Use, Goal 2, "Maintain high quality residential neighborhoods; promote development of a range of desirable new places to live in Palmer."
- E.** That the application is due to unusual lot shape, topographic condition or governmental action or regulations which render the property unusable;

Staff Findings:

- 1) The variance application of Lot 2, Promissory Point is due to unusual triangular lot shape, topographic conditions showing contours of 40' elevations on majority of the property and required setbacks which combine to significantly impact the development of the lot for a single-family dwelling. As a result of the topographical conditions on Lot 2, the 33,304sf lot is reduced to a buildable area of approximately 4,000sf based on information provided by the applicant.
- F.** That the granting of the variance will not permit a land use in a district in which that use is prohibited.

Staff Findings:

The granting of this variance will permit a land use that is a permitted use in the R-1 Single-family Residential District by relaxing the terms of this title relating to required setbacks to encourage the use of the land for construction of a single-family dwelling.

NOW, THEREFORE, BE IT RESOLVED that the Palmer Planning and Zoning Commission does hereby grant the variance for Lot 2, Promissory Point, reducing the minimum front yard setback required by PMC 17.20.060(C)(1) from 25' to 10' based on the following conditions:

- 1) Development is limited to a single-family residential dwelling with provision of adequate off-street parking area in compliance with PMC 17.64; no parking shall be allowed within the reduced 10' front yard setback; and
- 2) All development must comply with all city, borough, state and federal rules, laws and statutes.

Passed by the City of Palmer Planning and Zoning Commission this 16th day of February 2023.

Casey Peterson, Chairman

Kimberly McClure
Community Development Specialist



Received
JAN 09 2023
 City of Palmer

Variance Application Form
 Palmer Municipal Code (PMC) 17.76

Applicant: Noel Kopperud

Property Location(s): Along Helen Drive - no street address / see vicinity map

Owner of Record: Noel Kopperud

Legal Description (lot, block): Lot 2, Promissory Point Plat No. 2005-64

How is the property zoned?: R-1

Request variance from PMC: ~~17.24.064 (A)~~ 17.20.060(c)(1) *AK*

Reason for variance request:

The variance is requested because the unusual lot shape, topographic conditions,
in combination with the typical 25' road (front) setback, combine to uniquely affect
the usability of this lot.

Please attach any plans or document pertinent to the request.

In additional the above information, please provide a written explanation stating how each of the following requirements has been met:

- A. There are unusual circumstances applying to the property that do not apply generally to other properties in the same vicinity and that the problem of the applicant is not the result of his own action (PMC 17.76.020);

The City had me provide a water&sewer easement (black line area on attached detail map) to serve the Baptist church and homes along Helen Drive. This easement on the north side of my lot, in addition to underground MEA & Enstar distribution lines crossing the City easement, now force any building footprint to the south side of my lot, where a 15' reduction in the road setback would allow better utilization of the very limited flat ground on which to build.

- B. The strict interpretation of this title would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this title (PMC 17.76.020);

Helen Drive makes a 90-degree curve bordering the west side of my lot, such that strict application of 25' road setback (orange line on detail map) is especially invasive into the remaining flat, buildable southern portion of my lot.

C. The authorization of the variance will not be injurious to nearby property nor harmful to the public welfare (PMC 17.76.020);

The area where the road setback variance is sought (green dashed-line area and elevations on detail map) lies near a portion of Helen Drive where the roadway is lower in elevation than the grade of my lot, as the road is designed & constructed to begin descent of a steep hill.

This difference in grade between the road and my lot indicates that any reduction in the setback would not materially affect either the road or its right-of-way.

D. The granting of the variance will be in harmony with the objectives of this title and of the comprehensive plans (PMC 17.76.020);

Granting a 15' reduction to the 25' road setback will be consistent with plans made by the City of Palmer at the time the lot was created. The variance will accommodate the development of a building site comparable to those in the adjacent City-approved subdivision discussed in paragraph 'F' below. Specifically, when the water&sewer main lines were extended, the City installed hookups on my lot (purple marks on detail map) which demonstrate the intent for future development of a building on the lot.

E. The application is due to unusual lot shape, topographic conditions or governmental action or regulations which render the property unusable (PMC 17.76.020);

The contours on the detail map show that my lot is located on a steep hill, with only a small flat hilltop area available as a footprint for building construction. Also, the curved shape of the lot on the west side along Helen Drive conflicts with the curve of the eastern (hillside) portion of the lot. The result is the 25' road setback would cut deeply into the most buildable southern portion of the lot. (See relationship of orange setback line to the circled 248 elev. point)

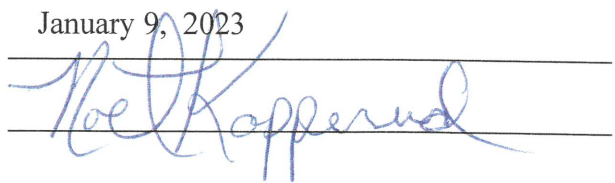
F. That the granting of the variance will not permit a land use in a district in which that use is prohibited (PMC 17.76.020).

The City recently approved the development of the immediately adjacent 11-acre hilltop tract of land to the north into 35 single family house lots. My lot development is consistent with the residential land use adopted in this area by the City of Palmer.

Application date:

January 9, 2023

Signature of owner's authorized representative:



Mailing Address P.O. Box 4470

City Palmer

State AK

Zip 99645

Phone/Contact Number(s): (907) 982-1469

\$250 Nonrefundable Application Filing Fee Submitted:

Variance Detail

Diagram for City of Palmer Variance Request No. _____

Promissory Point Lot 2, Plat No. 2005-64

Owner/Applicant: Noel Kopperud PO Box 4470 Palmer, AK 99645



Recently approved 35 small-lot subdivision adjacent to the north

25' Road Setback (code)

10' Road Setback (variance)

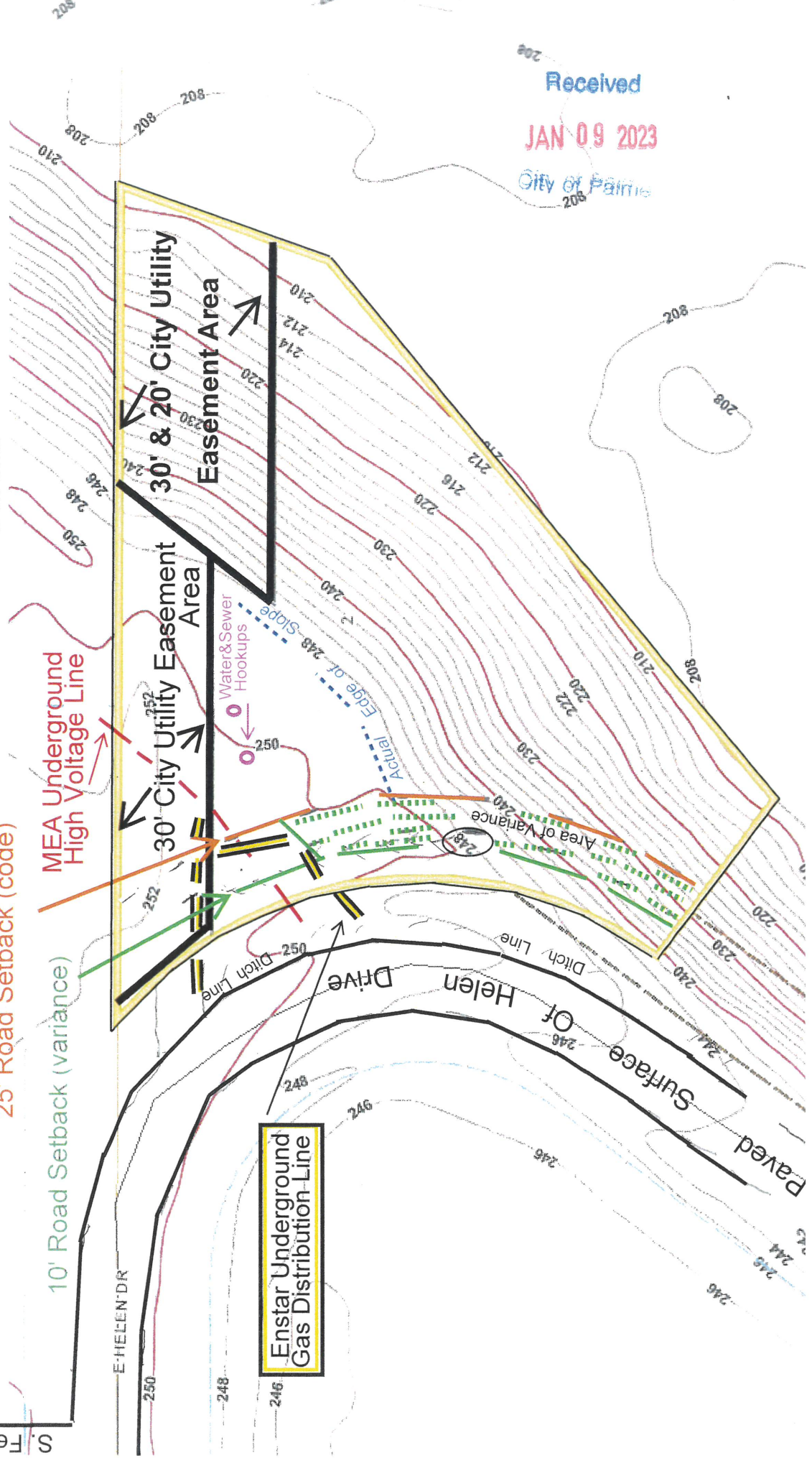
MEA Underground High Voltage Line

30' & 20' City Utility Easement Area

30' City Utility Easement Area

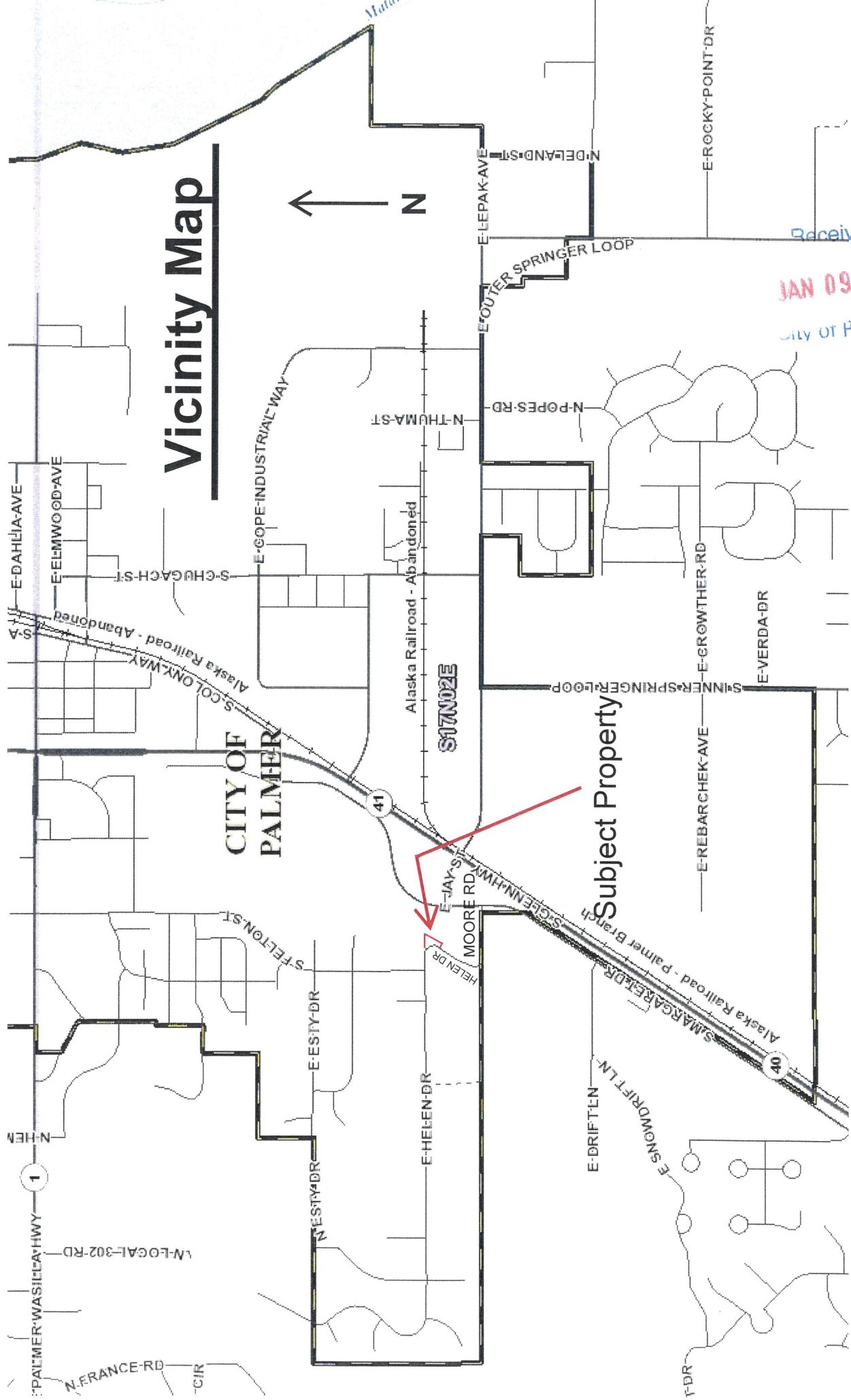
Water & Sewer Hookups

Enstar Underground Gas Distribution Line



Received
JAN 09 2023
City of Palmer

Vicinity Map



Received
JAN 09 2023
City of Palmer

Subject Property

CITY OF
PALMER

S17N02E

Alaska Railroad - Abandoned

Alaska Railroad - Abandoned

Alaska Railroad - Palmer Branch

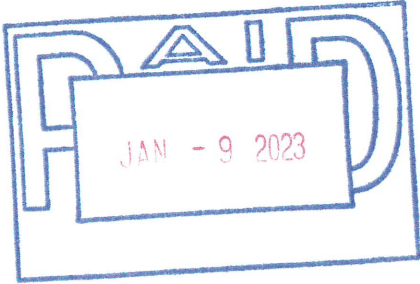


PALMER COMMUNITY DEVELOPMENT

ATTN: Joan E. Patterson
645 E. Cope Industrial Way
Palmer, AK 99645-6748
Phone: 907-745-3709 • Fax: 907-745-5443
www.palmerak.org

Invoice No.: CD23-002

Invoice Date: 01/09/2023

Sold To: NOEL H. KOPPERUD P.O. BOX 4470 PALMER, AK 99645-4470		
Qty	Description	Price
	VARIANCE REQUEST Promissory Point, Lot 2 NHN E. Helen Dr.	\$500.00
		
01-00-00-3427		TOTAL \$500.00

This invoice must be paid within 30 DAYS or further collection procedures will be taken.

Received

JAN 11 2023

City of Palmer

January 11, 2023

City of Palmer
Community Development Department
Kimberly McClure, Community Development Specialist
645 E. Cope Industrial Way
Palmer, AK 99645-6748

Re: Kopperud variance request


Kimberly:

I have been preparing the supplemental materials that we discussed at our meeting on my recent setback variance request. I have had some time to check-over the Palmer code and consider Brad Hanson's point that the degree of the radius turn of Helen Drive at this location is sufficient that my property would be regarded a corner lot. PMC 17.20.060 (C)(3) does confirm that the street side setback on an R-1 corner lot would be 10 feet. I believe my misunderstanding was that the street setback was 25 feet, and I would need a variance for a reduction to a 10 foot setback.

I would appreciate it if you would confirm in a simple written note that my setback from Helen Drive is 10 feet. This would give me the practical certainty I need for a building footprint on the hilltop. I could then proceed with my building design and eventual building permit application. I could also withdraw my current variance application at this point.

I will wait to hear from you, before submitting more supplemental maps and other material. My email is kopp907@gmail.com, and my additional cell contact is (253) 905-1128.

Thank you for your help with this,



Noel Kopperud
PO Box 4470
Palmer, AK 99645

City of Palmer
Community Development Department
Kimberly McClure, Community Development Specialist
645 E. Cope Industrial Way
Palmer, AK 99645-6748

January 13, 2023

Re: Kopperud variance request

Kimberly:

I spoke with Brad Hanson this afternoon with reference to my letter of January 11th, regarding corner lot status. He was going to review an additional point regarding the easement that continues along Helen Drive and past the north hilltop portion of my lot. In the meanwhile, he asked that I provide the survey map and any supplemental materials that may be included in the likely event that we need to continue with the variance application in order to obtain a 10' street-side setback.

I have attached to this transmittal a full-size, scaled plat map copy, as well as a smaller excerpt from the same plat which shows City easement detail. These maps should retain the original scale shown.

Also attached are topographical MSB color printouts that are annotated with area size information to illustrate the circumstances that create special building challenges on this site. In addition, I have included an MSB aerial image of the lot with special focus on the Helen Drive curve. The area & distance calculations, as well as the highlighted locations of easement and setbacks as shown, are nearly exact as they have been derived using the Borough's up-to-date interactive online mapping program. (However, in order to forward these color copies in a manageable paper size they have not been reproduced in a size that accommodates the default scale bar shown.)

Lastly I have included a narrative supplemental statement that is indexed to the specific findings which the commissioners seek to have addressed in the variance process.

Please correct my current application at page 1 to show that the applicable R-1 code provision that I am seeking a variance from is PMC 17.20.060 (C)(1). My application referenced the R-2 code section, although the 25' street setback is the same.

Please let me know if you have questions or need additional materials as the staff develops its workup on my variance application.

Sincerely,



Noel Kopperud

Received

JAN 13 2023

City of Palmer

Received

JAN 13 2023

City of Palmer

Supplemental narrative further addressing the six separate findings (A-F) of the variance request before the Planning Commission

A. There are unusual circumstances applying to the property ...

The supplemental variance materials include area calculations illustrated on Borough topo maps that concentrate on the hilltop space available for building on my lot. The materials show that without a variance to the 25' setback, there will only be about 3,100 sq. ft. of space available on which to build.

B. The strict interpretation of this title would deprive the applicant of the rights commonly enjoyed by other properties ...

Other nearby property owners do not face similar spatial challenges on the magnitude that my lot has. For example, the smallest lot in the recently approved Green Acres subdivision (adjacent tract of land to the north) is approximately 8,400 sq. ft, burdened with only a 15' utility easement.

C. The authorization of the variance will not be injurious to nearby property ...

The supplemental aerial image which I've forwarded demonstrates that there is over 19 ft. of ditch line and back-slope space between the Helen Drive pavement and my property line. The road is descending near the southern portion of my lot and accordingly there is no direct relationship between the roadway and the setback area, which is behind a property line fence and a row of spruce trees I planted.

It should also be noted that the radius turn of Helen Drive, coupled with the road (or 'PUE') plus water&sewer easements at this location makes creates a relationship between the road and my lot that is similar to a corner lot. My lot sits alone and does not have directly relate to any other neighboring property. PMC 17.20.060 (C)(3) confirms that the street side setback on a corner lot would be 10'. Under these circumstances my application for a variance does not make a request that would be injurious to any nearby property.

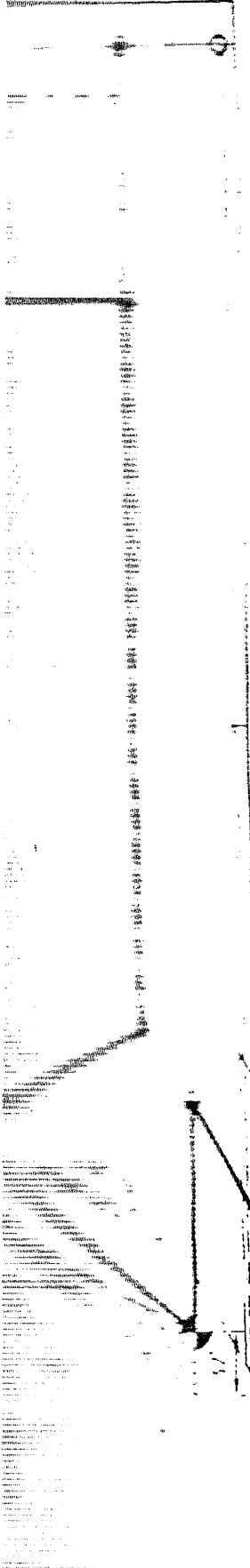
D. PMC 17.76.010 (B) confirms that variances are intended to allow a relaxation of the terms of this title where strict application of the regulations would render the property unusable or create unreasonable hardship. It is submitted that this case presents facts in which efforts to build in the limited triangular-shaped hilltop space without a variance will result in unreasonable hardship.

One of the highlights of the Chapter 6 of the Palmer Comprehensive Plan (on Land Use) states that the City's first goal should be to "maintain the quality of existing neighborhoods, and provide space for diversity of new residential uses ..." My lot sits alone in a prominent location

with all utilities adjacent or installed. Making provision for the reasonable development of such residential properties in consistent with Palmer's comprehensive plan.

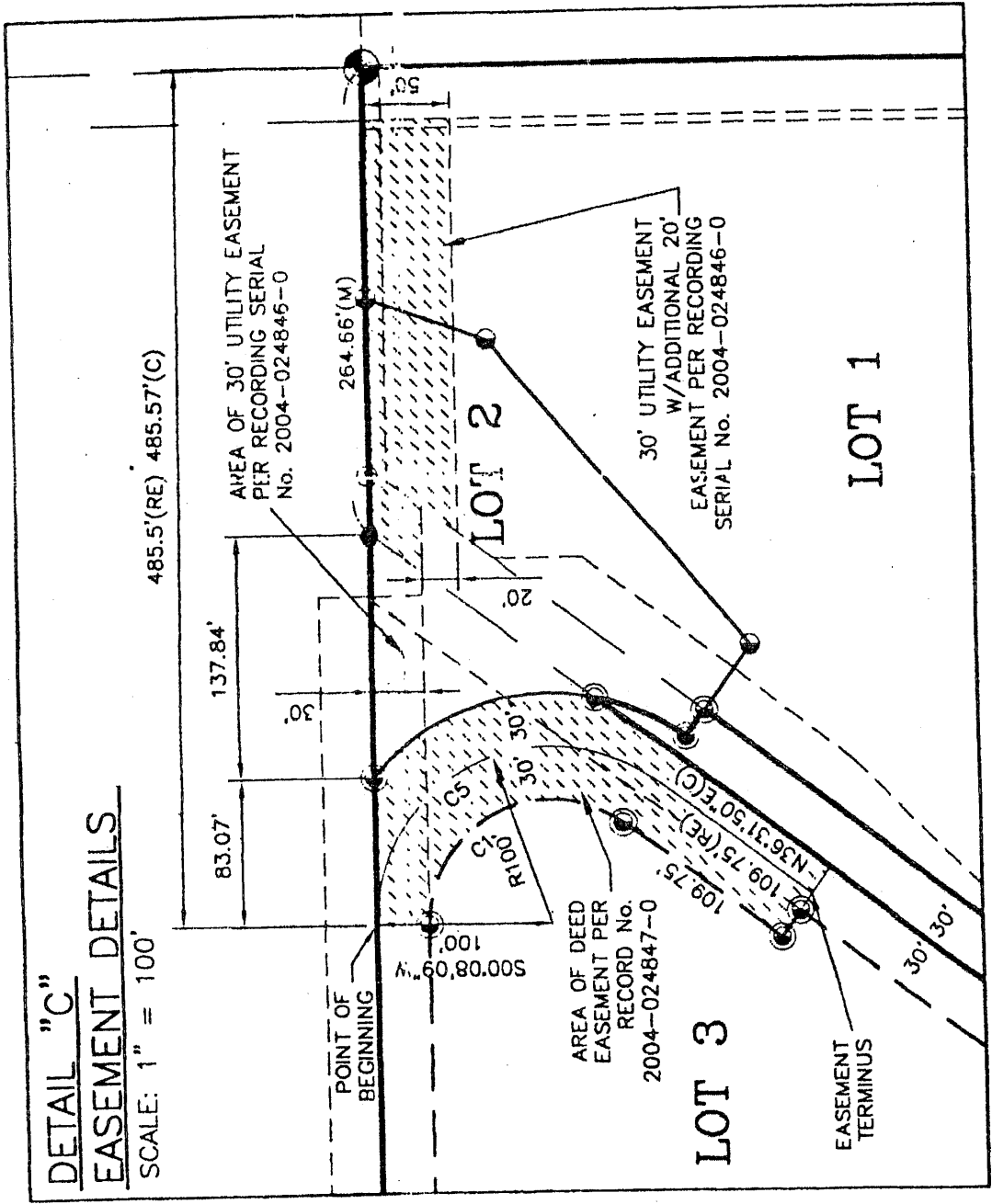
E. The attached MSB topographical color printouts illustrate that the most buildable portion of my hilltop lot was consumed by the easement I provided to the City for extension of water&sewer mains. None of the burden for the location of the utilities was borne by adjacent property. The remaining space for building on my lot is triangular. This feature is compounded by setbacks from Helen Drive and the hillside to the east. The facts in this case are consistent with the conclusion that the variance application is due to unusual lot shape, topographic conditions, governmental action and regulations which render the property unusable or create unreasonable hardship.

F. I have lived in Palmer for the last 78 years and I have worked on this hillside lot for at least 20 years. My intention is to build a residential building on the site that will make the best use of this unique property. The granting of the variance will not permit a land use that is prohibited in this area. My development is consistent with the residential use designated by the City for this area.



NOTARY FOR THE
MY COMMISSION

DETAIL "C"
EASEMENT DETAILS
SCALE: 1" = 100'



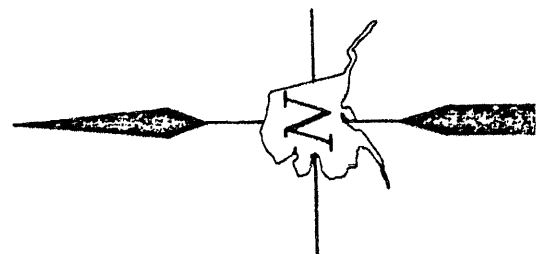
Noel H. Kopp
NOEL H. KOPP
P.O. BOX 4470
PALMER, AK, 99757

NOTARY'S
SUBSCRIBED
OF *Mary*

NOTARY FOR THE
MY COMMISSION

CERTIFICATE

Received
JAN 13 2023
City of Palmer





Home Search Mapping

Feet (ft)

Feet² (ft²)

Distance

Select Snapping Layers

Area

Polygon

Freehand

Freehand Shape

Point

Line

Circle

Ellipse

Polygon

Rectangle

Edit

Tool Labels

msb

X

Measure

Advanced M...

Draw

I want to...



E Helen Dr

257

255

254

253

21.95 ft

Current 29.40 ft
Total 29.40 ft

122.44 ft

Current 16.21 ft
Area 4,016.09 ft²
Perimeter 345.16 ft

0 10 20ft

Area Calculation of 4,016 sq. ft.
for 30' City utility easement crossing the
buildable portion of the lot

Received
JAN 13 2023
City of Palmer

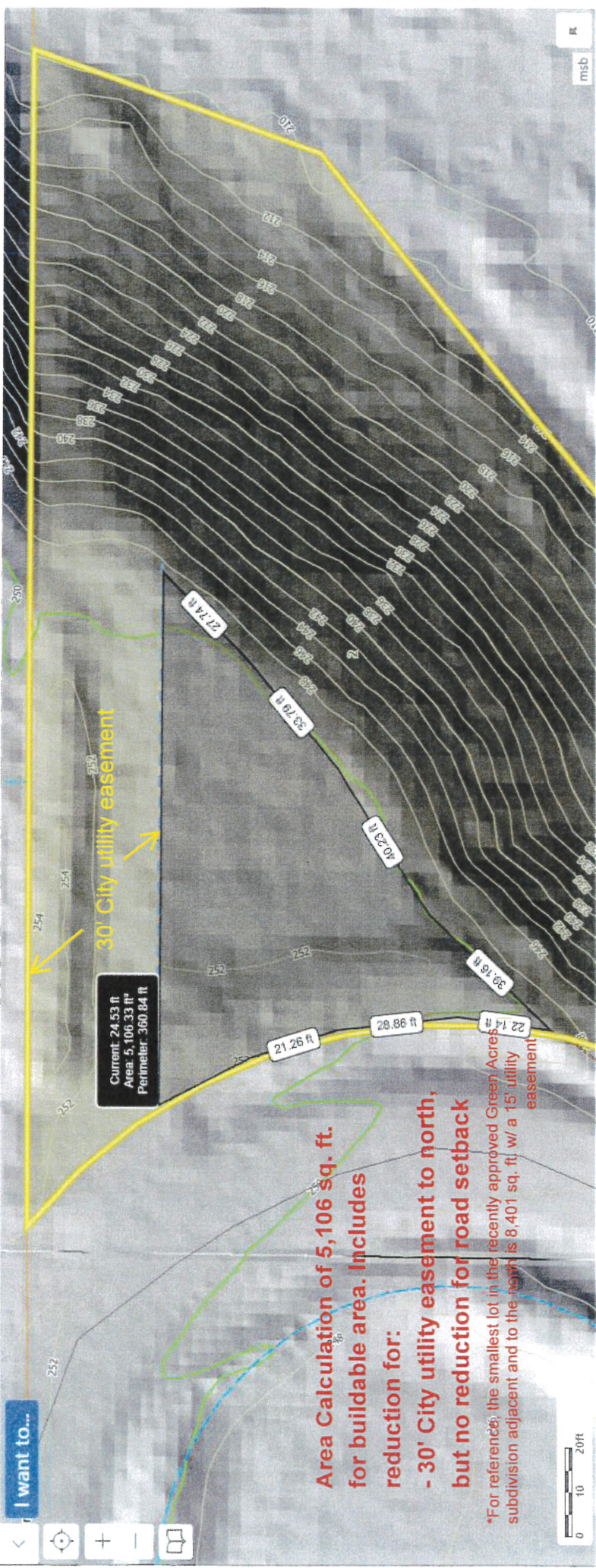


I want to...



Advanced M...

Draw



Current: 24.53 ft
Area: 5,106.33 ft²
Perimeter: 360.64 ft

30' City utility easement

Area Calculation of 5,106 sq. ft. for buildable area. Includes reduction for: - 30' City utility easement to north, but no reduction for road setback

*For reference, the smallest lot in the recently approved Green Acres subdivision adjacent and to the north is 8,401 sq. ft. w/ a 15' utility easement



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JAN 13 2023

City of Palmer



MSB Parcel Viewer

Home Search Mapping

Feet (ft)

Feet² (ft²)



Enable Snapping



Select Snapping Layers



Distance



Area



Polygon



Freehand



Point



Text



Freehand Shape



Line



Circle



Ellipse



Polygon



Rectangle



Edit



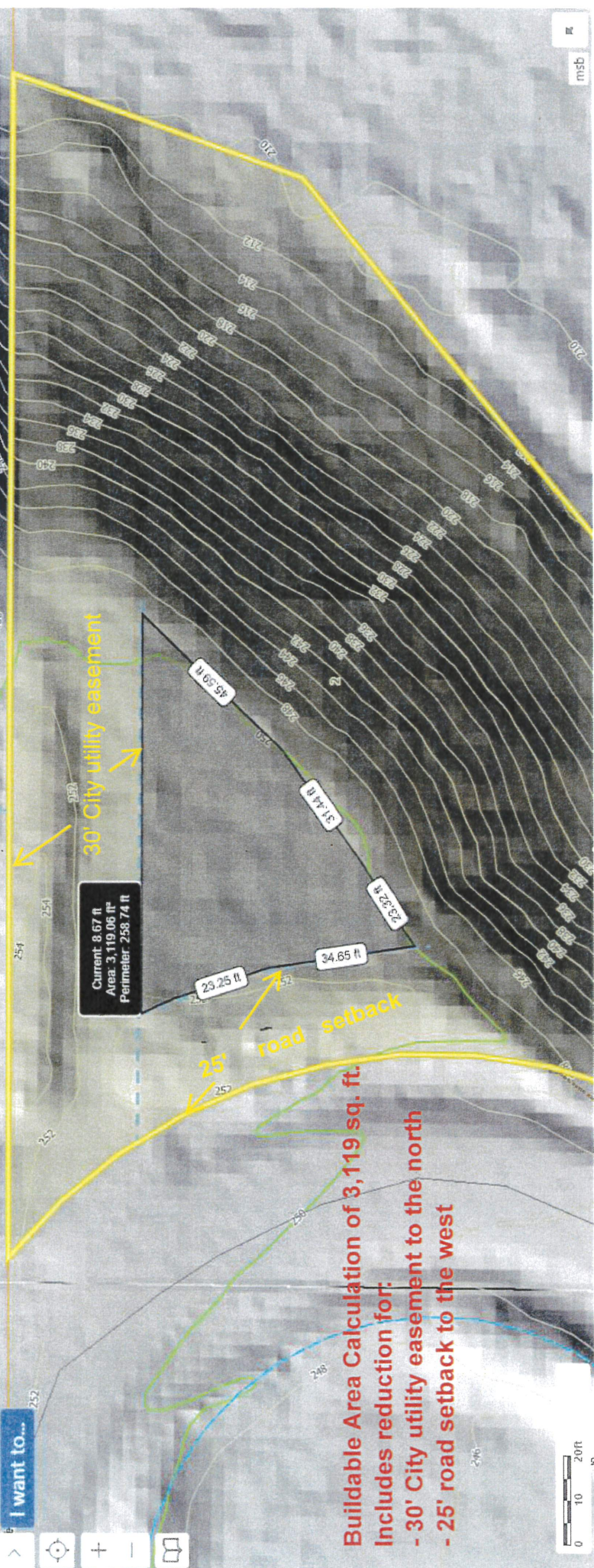
Tool Labels

Measure

Advanced M...

Draw

I want to...



Buildable Area Calculation of 3,119 sq. ft.

Includes reduction for:

- 30' City utility easement to the north
- 25' road setback to the west

Received

JAN 13 2023

City of Palmer



Home Search Mapping

Feet (ft)

Feet² (ft²)



Advanced M...

Distance

Area

Polygon

Text

Point

Freehand

Freehand Shape

Line

Circle

Ellipse

Polygon

Rectangle

Edit

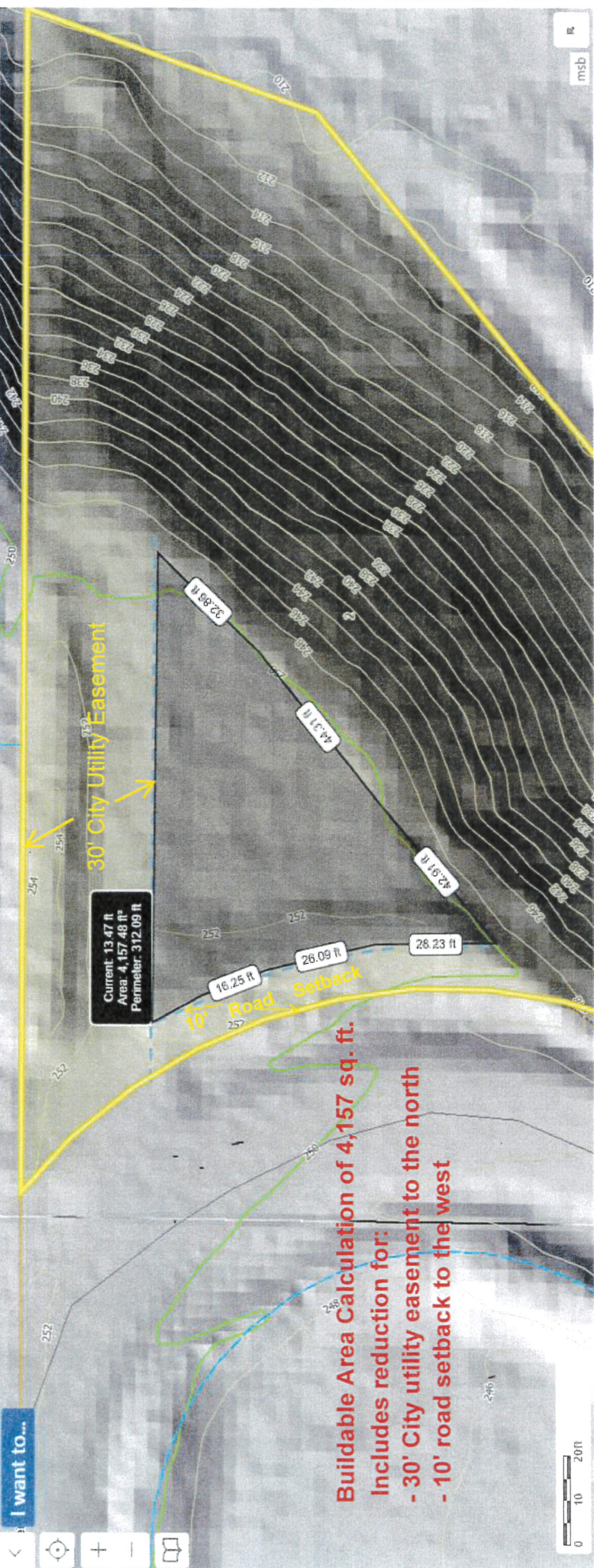
Tool Labels

Measure

Advanced M...

Draw

I want to...



Current: 13.47 ft
Area: 4,157.48 ft²
Perimeter: 312.09 ft

30' City Utility Easement

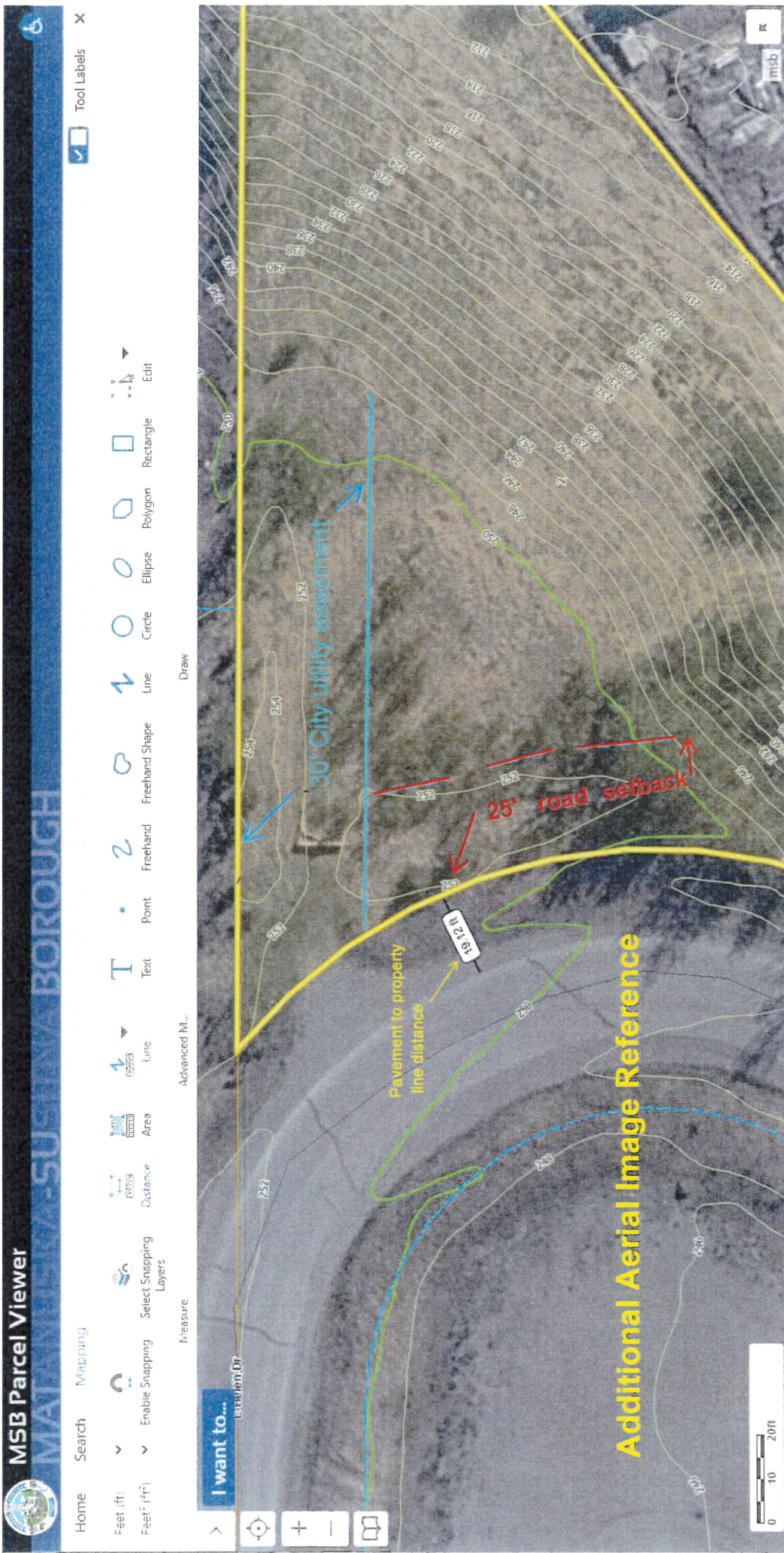
10' Road Setback

Buildable Area Calculation of 4,157 sq. ft.
Includes reduction for:
- 30' City utility easement to the north
- 10' road setback to the west

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JAN 13 2023

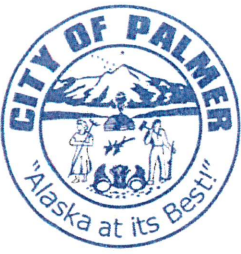
City of Palmer



Received

JAN 13 2023

Clifford Palmer



DEPARTMENT OF COMMUNITY DEVELOPMENT

Brad Hanson
Director

Dusten Voehl
Building Inspector

Beth Skow
Library Director

Dan Michael
Parks & Facilities Manager

Mail: 231 W. Evergreen Ave.
Location: 645 E. Cope Industrial Way
Palmer, AK 99645-6748

January 30, 2023

Dear Property Owner:

The Palmer Planning and Zoning Commission will consider a variance request initiated by Noel Kopperud, owner, to PMC 17.20.060(C)(1) Minimum Setback Requirements, to allow a 15-foot (15') reduction to the required 25' front yard setback for Lot 2, Promissory Point, located in Section 5, Township 17 North, Range 2 East, Palmer, Alaska.

The property is currently a vacant, 0.76 acre piece of land located across from First Baptist Church adjacent to the bend in the road. The property is zoned R-1, Single-family Residential. The applicant is requesting the variance because of the unusual lot shape, topographic conditions in combination with the typical 25' front yard setback combine to uniquely affect the usability of this lot. The map on the reverse side of this notice indicates the location of the subject parcel. For additional information on Variances, please refer to Palmer Municipal Code Chapter 17.76 – Variances located online at: www.palmerak.org.

The Commission will hold a Public Hearing to consider this application and allow an opportunity for public comments. The meeting will be held on **February 16, 2023**, at 6:00 p.m., in the City Council Chambers located at 231 West Evergreen Avenue, Palmer, Alaska.

If you wish to comment on this issue, you may do so by attending the public hearing or by providing written comments to the Planning and Zoning Commission by **February 13, 2023**. Written comments may be mailed to Palmer Community Development, 645 E. Cope Industrial Way, Palmer, AK 99645, faxed to 907-745-5443 or emailed to me at: kmccclure@palmerak.org.

Sincerely,

Kimberly McClure
Community Development Specialist

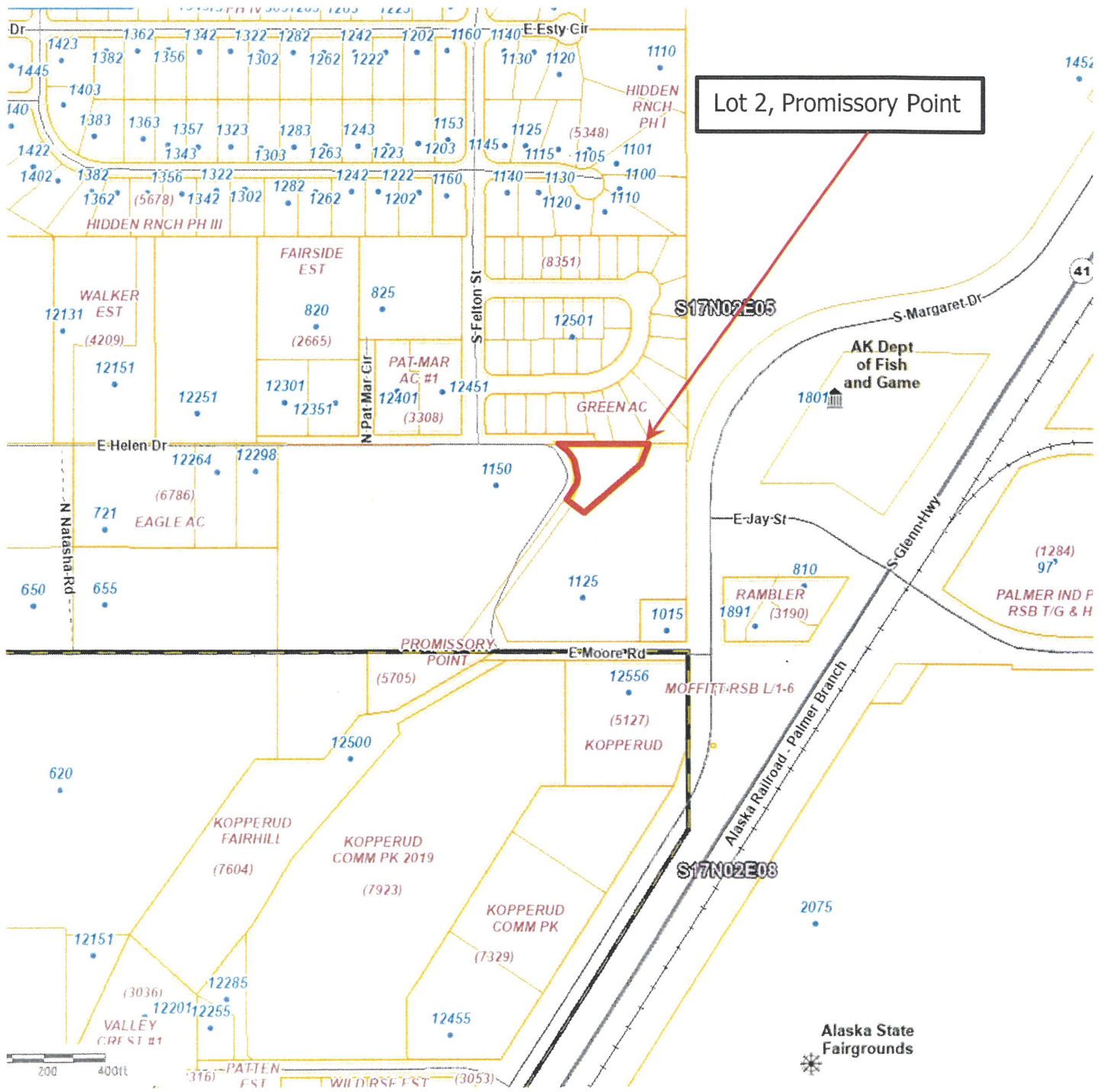


For the following reason, I am (please circle one): **in favor of**, **NOT in favor of**, or **have no objection to** the issuance of the proposed variance.

Name: _____

Address: _____

VICINITY MAP



Lot 2, Promissory Point

Request for Variance from PMC 17.20.060(C)(1) Minimum Setback Requirements for Lot 2, Promissory Point located in Section 5, Township 17 North, Range 2 East, in Palmer, Alaska.

KOPPERUD NOEL H
PO BOX 4470
PALMER, AK 99645-4470

BARNETT DAN'L A& GALE R
820 N PAT-MAR CIR
PALMER, AK 99645

ALASKA STATE OF
DEPT OF TRANS & PUB FAC
PO BOX 196900
ANCHORAGE, AK 99519-6900

STEWART LISA M
1110 E ESTY CIR
PALMER, AK 99645-8315

CLEMMONS NICHOLAS R &
KAYTLIN B
1202 E HIDDEN RANCH LOOP
PALMER, AK 99645

WESTON DENNIS H SR & SUSAN C
PO BOX 111704
ANCHORAGE, AK 99511

OGDEN RYAN W & PAMELA J
1282 E HIDDEN RANCH LOOP
PALMER, AK 99645

WELLS GUY P & CHRISTY L
1125 E HIDDEN RANCH CIR
PALMER, AK 99645

FIRST BAPTIST CHR PALMER
PO BOX 2689
PALMER, AK 99645-2689

CROWLEY BENJAMIN
STE B #8702521 E MTN VILLAGE
DR
WASILLA, AK 99654

GOOD ASHTON C
PO BOX 985
PALMER, AK 99645-0985

MEYER FRITS
PO BOX 2758
PALMER, AK 99645-2758

NAFUS GIFFORD W & GLENDA
PO BOX 1727
PALMER, AK 99645-1727

KASZUBA MICHAEL & SARAH
1223 E HIDDEN RANCH LOOP
PALMER, AK 99645

PUGH JOHN G & LISA L
1302 E HIDDEN RANCH LOOP
PALMER, AK 99645-8336

PAULEY ROBERT A TR
8884 W WARREN DR
LAKEWOOD, CO 80227

SIPES BRANDON W & BRITTANI R
1130 E ESTY CIR
PALMER, AK 99645

BELL JOSHUA
1160 E ESTY DR
PALMER, AK 99645

MOORE ROAD LEASING LLC
PO BOX 1822
PALMER, AK 99645-1822

STREIB ROBERT LEE II
MALNOSKE JANE ANN
1120 E HIDDEN RANCH CIR
PALMER, AK 99645

SHERMAN CHRISTINA M
1222 E HIDDEN RANCH LP
PALMER, AK 99645

TIMOTHY TIMOTHY L & TAMARA N
1140 E ESTY CIR
PALMER, AK 99645

ANDREWS JOHN
PO BOX 2952
PALMER, AK 99645

MEEKIN MICHAEL J & DIANE M
PO BOX 491
PALMER, AK 99645

MOKELKE CRYSTAL
1101 E HIDDEN RANCH CIR
PALMER, AK 99645

KERTTULA JOINT REV TR
KERTTULA&KERTTULA DE ECHAVE
TRES
10601 HORIZON DR
JUNEAU, AK 99801

SEMANCIK GREGORY JOHN
STE 3 PMB 2761150 S COLONY
WAY
PALMER, AK 99645

WALLACE DAVID & KELLY
STE 3 PMB 3251150 COLONY WAY
PALMER, AK 99645

JORGENSEN CHRISTOPHER
1263 E HIDDEN RANCH LOOP
PALMER, AK 99645-8312

SUAAVA PEPA F
1262 E HIDDEN RANCH LOOP
PALMER, AK 99645

VALLEY FAIR MALL LLC
%DENALI COMMERCIAL
MGMT12101 INDUSTRY WY UNIT 5
ANCHORAGE, AK 99515

ALASKA STATE FAIR
2075 S GLENN HWY
PALMER, AK 99645-6799

BALES MYSCHON L
BERBERICH BRADLEY K
PO BOX 2256
PALMER, AK 99645

KOPPERUD ROSS A
PO BOX 201
PALMER, AK 99645-0201

WALLACE DAVID THOMAS & KELLY
LYNNE
SUITE 3 PMB 3451150 S COLONY
WAY
PALMER, AK 99645

TRIPLE B'S LLC
PO BOX 3435
PALMER, AK 99645-3435

HARRIS TIMOTHY
1105 E HIDDEN RANCH CIR
PALMER, AK 99645

MUTE TOM & JESSICA
1110 E HIDDEN RANCH CIR
PALMER, AK 99645

FISH BRIAN J & REBECCA M
1100 E HIDDEN RANCH CIR
PALMER, AK 99645-8325

TURNER JAS A & RENAE M
1153 E HIDDEN RANCH LOOP
PALMER, AK 99645

WEBB RICHARD L& PARASKEVI
PO BOX 4028
PALMER, AK 99645-4028

HEFFELFINGER MARION
PO BOX 547
PALMER, AK 99645

KINCAID HERITAGE TRUST LLC
%RYAN LLC1999 BROADWAY STE
4100
DENVER, CO 80202-5719

DEBOER BRYAN E & M L
PO BOX 202-164
ANCHORAGE, AK 99501

KOPPERUD LEIF L
PO BOX 4001
PALMER, AK 99645-4001

WILSON HEATHER MARIE
1243 E HIDDEN RANCH LOOP
PALMER, AK 99645

BOREALIS PROPERTIES LLC
2255 N LAUREL DR
PALMER, AK 99645

PALMER CITY OF
231 W EVERGREEN AVE
PALMER, AK 99645

GARDING MATTHIAS J
DIZON STEPHANIE K
1145 E HIDDEN RANCH CIR
PALMER, AK 99645-8325

WILSON DUSTIN L & TAMARA C
1140 E HIDDEN RANCH CIR
PALMER, AK 99645

KOCHUTEN RICHARD S JR &
LAVERN L
1203 E HIDDEN RANCH LOOP
PALMER, AK 99645-8312

TYNAN APRIL A REV TR
1160 E HIDDEN RANCH LOOP
PALMER, AK 99645

WM CONSTRUCTION LLC
PO BOX 4042
PALMER, AK 99645-4042