

WASILLA CITY COUNCIL INFORMATION MEMORANDUM

IM No. 01- 64

SUBJECT: Reduction of Side and Rear Yard Setbacks

REQUESTED BY: Wasilla Planning Commission

PREPARED BY: Planning Staff

DATE: August 31, 2001

FOR AGENDA OF: September 10, 2001

SUMMARY:

Wasilla Municipal Code (WMC) § 16.24.030 establishes minimum side and rear yard setbacks for property in residential zoning districts. Several properties in the residential zoning districts have violated the minimum setback requirements. This ordinance will allow for a lesser setback, only if the adjoining neighboring property owner(s) agree to the lesser setback.

The Wasilla Planning Commission recommends this ordinance be forwarded to the Wasilla City Council for consideration.

FISCAL IMPACT: No Yes, amount requested: \$

Fund:

RECOMMENDED ACTION:

The Wasilla Planning Commission recommends the approval of Ordinance Serial Number 01-48.

MAYOR REVIEW/COMMENT:

Gov Patel Deputy Mayor
Reviewed by: SARAH PALIN, Mayor

Attachments:

Ordinance Serial Number 01-48

**CITY OF WASILLA
ORDINANCE SERIAL NO. 01-48**

**AN ORDINANCE OF THE CITY OF WASILLA AMENDING WASILLA MUNICIPAL
CODE SECTION 16.24.030 SETBACKS AND HEIGHT TO REDUCE MINIMUM SIDE
AND REAR YARD SETBACKS.**

WHEREAS, WMC 16.24.030 establishes minimum side and rear yard setbacks for property in residential zoning districts; and

WHEREAS, there is a significant number of buildings in residential zoning districts that do not conform to the minimum side or rear yard setbacks in WMC 16.24.030; and

WHEREAS, nonconformity with minimum side and rear yard setbacks may affect the value and marketability of property while having no adverse effect on the public interest; and

WHEREAS, providing an administrative procedure for the reduction of minimum side and rear yard setbacks in appropriate cases will serve the public interest by reducing hardship to the owners of the affected properties and improving the marketability of those properties.

NOW, THEREFORE, BE IT ENACTED:

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 16.24.030, Setbacks and height, is amended to read as follows:

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

E. The city planner may reduce a minimum side or rear yard setback required by subsection A or B of this section for a building on a lot that is in a RR, R1, R2 or RM zoning district where the reduction will cure a violation of the setback requirement, and the reduction conforms to the requirements of this subsection. The setback reduction shall apply only to an identified building. The original setback requirement shall continue to apply to all other buildings on the lot.

1. A setback reduction must meet the following standards:

a. The setback reduction does not exceed 50% of the original setback requirement, and is the minimum reduction that will cure the setback violation.

b. There shall be no reduction in the minimum setback for a side yard on a corner lot adjacent to a right-of-way.

c. The setback reduction will not impair necessary access for emergency service vehicles.

d. All record owners of property abutting the side or rear yard in which the minimum setback will be reduced consent in writing to the reduction.

e. A document describing the setback reduction, in the form prescribed in paragraph 2 (b) of this subsection, is recorded in the Palmer recording district.

2. The owner of a lot may apply for a setback reduction on a form approved by the city planner. The application shall include, or be accompanied by, the following:

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

a. The legal description of the lot that is the subject of the application, and the name and mailing address of the applicant, and of all other record owners of the lot.

b. The legal description of each lot abutting the side or rear yard in which the minimum setback will be reduced, and the name and mailing address of each record owner of each such lot, accompanied by proof that all record owners have been identified by either an abstract of title prepared by an attorney, or by a certificate to plat prepared by a title insurance company authorized to do business in Alaska.

c. A consent to the setback reduction in a form approved by the city planner, signed and acknowledged by each record owner of each lot abutting the side or rear yard in which the minimum setback will be reduced. The consent shall be accompanied by an exhibit consisting of an as-built survey of the lot in which the minimum setback will be reduced, prepared and stamped by a registered land surveyor, showing the dimensions of the lot, the location and dimensions of the building for which a minimum setback is to be reduced, and the reduced minimum setback dimension between the building and the lot line. The consent and exhibit shall be in a form acceptable for recording in the Palmer recording district.

d. Applicant to pay the cost of recording the consent document and exhibit, as determined by the city planner.

3. The city planner will give written notice to the applicant and all other record owners of property identified in the application whether the setback reduction is approved. If the setback reduction is approved, the city planner will cause the consent document and exhibit to be recorded in the Palmer recording district. If the city planner does not approve the application, that decision shall be subject to appeal under Section 16.08.100.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

* **Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on , 2001.

SARAH PALIN, Mayor

ATTEST:

KRISTIE L. VANGORDER, CMC
City Clerk

[SEAL]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]