

RESOLUTION 2012-06

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approval of Variance 2012-02

D.M.C. 17.07.090 Exceptions to road standards

WHEREAS, The Dillingham Planning Commission did hold a public hearing on March 27, 2012, regarding the request for a variance from 17.07.090, exceptions to road standards, which requires that "all lots shall be gift deeded;" and, 17.07.090 E, "that lots cannot be sold until the road is improved to the standards required by this title"

WHEREAS, the Dillingham Planning Commission reviewed the request for compliance with the requirements of 17.27 Variances; and,

WHEREAS, the Dillingham Planning Commission found that the request met the required Findings of Fact of D.M.C. 17.27.020;

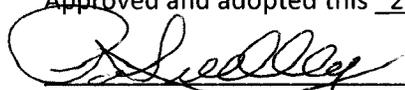
THEREFORE BE IT RESOLVED by the Planning Commission of the City of Dillingham, Alaska, that:

SECTION 1. The request for variances from 17.07.090 requiring all lots to be gift deeded, and that the lots cannot be sold until the road is improved; is approved.

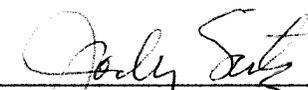
SECTION 2. The following findings of fact are adopted:

1. The variance request is the minimum necessary to afford relief. The fact that the lots are not gift deeds is irrelevant to the purpose of the subdivision. Lot 2 will be deeded to the owner of the improvements and remain in restricted status.
2. The granting of the variance will not be detrimental to the public safety or welfare or injurious to adjacent property. The lots will create no new uses nor are expected to result in an increase in population down the public access easement.
3. The tract to be subdivided is of such unusual size and shape or topographical conditions are such that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. The subdivision is taking place over wet tundra and is to accommodate existing uses. The road is currently adequate for those uses.
4. Special conditions that require the variance are not caused by the person seeking the variance. The property owners did not cause the trespass situation with Lot 2, nor the surveyor error with Lot 4.
5. The variance will not permit a land use in a district in which that use is prohibited. It will not. The area is considered General Use.
6. The variance is not sought only to relieve financial hardship or inconvenience. The variance is sought to allow legal problems to be resolved.

Approved and adopted this 27th DAY OF March, 2012.



Paul Liedberg, Presiding Officer



Jody Seitz, Acting Commission Clerk