



Rabbit Creek Community Council

1057 W. Fireweed Ln. Ste. 100, Anchorage, AK 99503



April 21, 2016

Zoning Board of Examiners and Appeals
Planning Department
P.O. Box 196650
Anchorage, AK 99519-6650

Re: Official Council Comments *in re* Case 2016-0046

Per a vote of the Board of the Rabbit Creek Community Council (RCCC), we request that the Zoning Board of Examiners and Appeals deny the stream setback variance requested in this case by the owner of the property located at 4600 Virgo Avenue.

Streams with many tributaries are a common feature of our Council Area, as seen on Map 3.1 in the Hillside District Plan. This is not an extraordinary physical circumstance as required under Variance Standard 1, but a recurring circumstance. Approval of this variance could set a precedent for other seemingly-small encroachments and have a large cumulative effect. In particular, RCCC notes that the creek in question, Little Survival Creek, a tributary to the south end of Potter Marsh, provides over three quarters of the inflow to Potter Marsh and is therefore critical for bird and fish habitat. This creek has suffered in the past from a lack of adequate protection, especially after diversions during the development of Ransom Ridge and Prominence Pointe.

There appear to be other options to expand the dwelling. The applicant writes that he long envisioned expanding into the utility easement at some point. In 2013, ZBEA denied a different variance request (thereby protecting a tributary to Rabbit Creek) within in our Council area in part because that applicant had other building options. In the current application, the other options and the past ability of the owner to modify plans indicate that this is not an exceptional hardship (Standard 2) and that circumstances are an inconvenience rather than a hardship (Standard 3).

Further, it appears that the 4.7-foot encroachment request is understated. Photos submitted with the application show a gravel apron around the existing house extending an additional 5-feet or so into the setback. Clarification if a similar apron or drainage zone is anticipated for the expansion is needed. In addition, the schematic drawings and the watercourse aerial photo indicate that the lawn extends to within about 20 feet of the creek. This is also a concern with regard to maintaining the stream setback.

In general, RCCC has strongly supported the Hillside District Plan, which includes 50-foot stream setbacks. Stream setbacks provide water quality protection (for residential wells) as well as reducing costs from flooding, glaciation and erosion. Moreover, with the current trend of mid-winter rain and more extreme storm events, stream setbacks are increasingly important for controlling and filtering run-off. In addition, the natural setting is an important part of the Hillside character that contributes to quality of life and residential property values – both of which the Plan explicitly sets out to preserve.

Again, we urge rejection of this variance. Thank you for hearing and understanding our concerns.

Sincerely,
Adam Lees

Adam S. Lees, Chair