

# Application for Dimensional Variance

Municipality of Anchorage  
Planning Department  
PO Box 196650  
Anchorage, AK 99519-6650



## PETITIONER\*

Name (last name first)
Mailing Address
Contact Phone – Day
Fax
E-mail

## PETITIONER REPRESENTATIVE (if any)

Name (last name first)
Mailing Address
Contact Phone – Day
Fax
E-mail

\*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

## PROPERTY INFORMATION

Property Tax # (000-000-00-000):		
Site Street Address:		
Current legal description: (use additional sheet if necessary)		
Zoning:	Acreage:	Grid #:

## PETITIONING FOR

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## CODE CITATIONS

AMC 21.
AMC 21.

I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I am petitioning for variance in conformance with Title 21 of the Anchorage Municipal Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the variance. I understand that the burden of evidence to show compliance with the variance standards rests with me, the applicant. I also understand that assigned hearing dates are tentative and may have to be postponed by Planning Department staff or the Zoning Board of Examiners and Appeals for administrative reasons.

Signature

Owner    Representative

Date

(Representatives must provide written proof of authorization)

Print Name

Accepted by:	Poster & Affidavit:	Fee:	Case Number:	Requested Meeting Date:
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## RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion of site)

- Rezoning - Case Number:  
 Preliminary Plat  Final Plat - Case Number(s):  
 Conditional Use - Case Number(s):  
 Zoning variance - Case Number(s):  
 Land Use Enforcement Action for  
 Building or Land Use Permit for  
 Wetland permit:  Army Corp of Engineers  Municipality of Anchorage

## SUBMITTAL REQUIREMENTS

- 1 copy required:  Signed application (original)
- 34 copies required:  Signed application (copies)  
 Variance narrative, addressing:  
     The need for the variance, including when the need for the variance was discovered  
     The effect of granting the variance  
     An analysis of how the proposal meets the variance standards below  
 As-built survey showing existing conditions, to scale (no more than 2 years old)  
 Proposed plot plan or site plan, to scale (new construction)  
 Topographic map of site  
 Photographs

(Additional information may be required.)

## VARIANCE STANDARDS

The Zoning Board of Examiners and Appeals may only grant a variance if the Board finds that **all** of the following 8 standards are substantially met. Each standard must have a response in as much detail as it takes to explain how your property's condition satisfies the standard. The burden of proof rests with you.

1. There exist exceptional or extraordinary physical circumstances of the subject property including, but not limited to, streams, wetlands, or slope, and those circumstances are not applicable to other land in the same zoning district;
2. Because of these physical circumstances, the strict application of the code creates an exceptional or undue hardship upon the property owner, and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance;
3. The hardship is not self-imposed, special conditions and circumstances do not result from the actions of the applicant, and such conditions and circumstances do not merely constitute inconvenience;
4. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;
5. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;
6. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality;
7. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and
8. The variance granted is the minimum variance that will make possible a reasonable use of the land.

## SOME HELP IN RESPONDING TO THE 8 STANDARDS

We believe the following will help you in responding to the 8 standards the Zoning Board of Examiners and Appeals must determine are true before it may grant a variance. It is important to present factual information and evidence to support your belief that your property does not have parity with other properties. To gain that parity, your property must have relief from a specific provision of the zoning ordinance. The suggestions below are by no means the only or valid justifications for a variance on your property. These examples are provided to allow you to consider the uniqueness of your property in your response to the 8 standards. The Zoning Board of Examiners and Appeals considers each variance on its unique merits. **Use your own words and remember it is up to you to make your case.** There are no assurances that your variance will be granted.

**1. There exist exceptional or extraordinary physical circumstances of the subject property such as, but not limited to, streams, wetlands, or slope, and those circumstances are not applicable to other land in the same zoning district.**

The special physical conditions of the land must directly affect, create, or contribute to the need for the zoning variance. You must explain to the Board what those special conditions are. Examples are listed below and one or more or something similar may apply to your property:

- A. Physical features peculiar to this lot or tract not applicable to the adjacent lots:
  1. Steep slopes impact \_\_\_\_% of lot
  2. Water bodies, water courses, wetlands, floodplain impact \_\_\_\_% of lot
  3. Avalanche hazard zones, unstable soil conditions impact \_\_\_\_% of lot
  4. Other physical defects
- B. Platting features peculiar to this lot or tract not applicable to the adjacent lots:
  1. the lot is not platted
  2. the lot is oddly shaped
  3. the lot has more than two street frontages or no street frontage
  4. the lot is impacted by many or wide easements for utilities, driveways, drainage
- C. Zoning features peculiar to this lot or tract not applicable to the adjacent lots:
  1. the lot is impacted by extraordinary zoning setbacks
  2. the lot is nonconforming in area, width, or depth
  3. the structure/building was constructed under different zoning rules
- 2. Because of these physical circumstances, the strict application of the code creates an exceptional or undue hardship upon the property owner, and would deprive the applicant of rights commonly enjoyed by**

**other properties in the same district under the terms of the zoning ordinance.**

You need to explain what is precluding you from complying with the zoning law. There must be a connection between what you allege is the physical defect explained in standard 1 above and why your neighbors or others in the same zoning district can do what you cannot do without the need for the variance. For example:

- A. This property is unusual and unique because \_\_\_\_\_
- B. The property owner can not use the property in manner to gain a reasonable use in comparison with the adjacent properties because \_\_\_\_\_
- C. The hardship in developing this property is to the extent that no reasonable use of the property is possible or at least that adverse economic impact is substantial

**3. The hardship is not self-imposed, special conditions and circumstances do not result from the actions of the applicant, and such conditions and circumstances do not merely constitute inconvenience.**

You must explain why the need for the variance is due to circumstances that are beyond your control, and that your request for a variance is not solely to make it more convenient for you to use the property. Examples are listed below and one or more, or something similar, may apply to your property:

- A. The special conditions and circumstances are:
  1. the structure was built under different zoning rules
  2. the structure has non-conforming rights
  3. the lot is non-conforming in area, width, or depth
  4. the design requirements of the structure in relationship to the land limit the options
- B. The special conditions and circumstances are more than an inconvenience or financial burden because:
  1. removing the encroachment would severely damage the structure
  2. removing the encroachment would render the structure unusable
  3. the septic system/leach field and or well can not be moved
  4. the physical features of the lot limit construction locations and options
  5. the access to the lot can not be physically relocated
- C. I (we) considered all the possible conforming alternatives and I (we) are not able to:
  1. redesign the structure because \_\_\_\_\_
  2. move the structure because \_\_\_\_\_
  3. move lot lines or replat the property because \_\_\_\_\_
  4. rezone the property because \_\_\_\_\_
  5. acquire abutting the property because \_\_\_\_\_

**4. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code**

Your use of the property and the variance, if granted, will not make your property, or your neighbors' property, incompatible with what the *Anchorage 2020 Comprehensive Plan* describes as appropriate for the area. It would not devalue or prevent full use of your neighbors' property. Examples are listed below and one or more, or something similar, may apply to your property:

A. The variance will not

1. give this property/me special privileges above my neighbor.
2. increase traffic in the neighborhood
3. change the character of the neighborhood
4. negatively impact the abutting property owners
5. violate the spirit of the zoning regulations
6. place the public health, safety, or welfare at risk

B. The encroachment is not visually evident

C. There have been no registered complaints

D. No code enforcement actions have occurred

E. The nonconforming use or structure can be made more conforming if the variance is granted

**5. The variance, if granted, does not change the character of the zoning district in which the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies.**

You may not use a variance to request a use on your property that is not allowed in the underlying zoning district. Even though granting the variance allows you to deviate from the Code, the variance must not change the intent of the Code or change the character of the surrounding area in the same zoning district. Two examples are listed below and one or more, or something similar, may apply to your property:

A. The variance will not allow a land use that is not permitted in the zoning district.

B. The land use will not change as a result of this variance.

**6. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.**

The variance does not alter Fire Department safety standards, traffic clear vision areas, Department of Health and Human Services standards for air or water quality, or noise levels; etc.

**7. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation.**

State if the variance is required in order to meet ADA requirements, and why the variance is the only solution to meet such requirements.

**8. The variance granted is the minimum variance that will make possible a reasonable use of the land.**

You must explain why this variance will give this property parity with its neighbors and nothing more; that you are asking for the least relief from the zoning law that is possible to allow a reasonable use of the property; that you are not advocating for rights superior to your neighbors or others in the same zoning district; that you have no other conforming alternatives, such as replatting, rezoning, vacating easements or rights-of-way, moving the structure, or remodeling the structure. In other words, a variance is the last resort to allow a reasonable use of the property.