

Application for Zoning Variance

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



Please fill in the information asked for below.

PETITIONER*		PETITIONER REPRESENTATIVE (IF ANY)	
Name (last name first)		Name (last name first)	
Mailing Address		Mailing Address	
Contact Phone: Day:	Night:	Contact Phone: Day:	Night:
FAX:		FAX:	
E-mail:		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 #

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 administrative 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.

Date	Signature (Agents must provide written proof of authorization)

DOCUMENTATION (Any documents over 11x17 please provide 15 copies)			
Required:	<input type="checkbox"/> As-built survey, to scale	<input type="checkbox"/> Proposed plot plan or site plan, to scale (new construction)	
Optional:	<input type="checkbox"/> Photographs	<input type="checkbox"/> Building elevations	<input type="checkbox"/> Building floor plans to scale
	<input type="checkbox"/> Building permit	<input type="checkbox"/> Topography map of site	

CODE CITATIONS
AMC 21.
AMC 21.

Accepted by:	Poster & Affidavit:	Fee	Case Number

Application for Variance continued

EXISTING SITUATION AND CONDITIONS
Date discovered need for variance:
EXPLAIN:

EFFECT OF GRANTING THE VARIANCE
EXPLAIN:

RECENT REGULATORY INFORMATION (Events that have occurred in last 5 years for all or portion of site)
<input type="checkbox"/> Rezoning - Case Number:
<input type="checkbox"/> Preliminary Plat <input type="checkbox"/> Final Plat - Case Number(s):
<input type="checkbox"/> Conditional Use - Case Number(s):
<input type="checkbox"/> Zoning variance - Case Number(s):
<input type="checkbox"/> Land Use Enforcement Action for
<input type="checkbox"/> Building or Land Use Permit for
<input type="checkbox"/> Wetland permit: <input type="checkbox"/> Army Corp of Engineers <input type="checkbox"/> Municipality of Anchorage

PENDING SALE OR PROPERTY TRANSFER	
<p>Applications for variances where the property is invoked in a pending sale or transfer requires that the Zoning Board of Examiners and Appeals be advised of the identity of the buyer and the buyer's lender. The buyer and buyer's lender will be advised of the Zoning Board of Examiners and Appeals' action on the variance.</p> <p>Buyer(s) of property that is to be conveyed to, or purchased by, more than one individual, such as co-owner, joint venture, partnership, corporation, company, or other similar form of ownership, are required to provide a full list of the name and address of each principal.</p>	
BUYER	BUYER'S LENDER (IF ANY)
Name (last name first)	Name (last name first)
Mailing Address	Mailing Address
Contact Phone:	Contact Phone:
FAX:	FAX:
E-mail:	E-mail:

VARIANCE STANDARDS

The Zoning Board of Examiners and Appeals may only grant a variance if the Board finds that **all** of the following 6 standards are satisfied. 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. Use additional paper if needed.

Special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same district.

EXPLAIN:

Strict interpretation of the provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance.

EXPLAIN:

Special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconvenience.

EXPLAIN:

Granting the variance would be in harmony with the objectives of the zoning ordinance and not injurious to the neighborhood or otherwise detrimental to the public welfare.

EXPLAIN:

Granting the variance will not permit a use that is not otherwise permitted in the district in which the property lies

EXPLAIN:

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

EXPLAIN:

SOME HELP IN RESPONDING TO THE 6 STANDARDS

We believe the following will help you in responding to the 6 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 6 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. Special conditions exist which are peculiar to the land involved and which are not applicable to other land in the same 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. Eleven 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. Waterbodies, 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 non-conforming in area, width or depth
 3. the structure/building was constructed under different zoning rules

2. Strict interpretation of the provisions of the zoning ordinance would deprive the applicant of the 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 can no. Three examples are below.

- 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. Special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute a pecuniary (monetary) hardship or inconvenience.

Thirteen 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 of the structure in relationship to the land limits 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/leachfield 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. Granting of the variance will be in harmony with the objectives of the zoning ordinance and not injurious to the neighborhood or otherwise detrimental to the public welfare.

Ten 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 special privileges to me 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 variance is granted.

5. Granting the variance will not permit a use that is not otherwise permitted in the district in which the property lies.

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 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 conforming alternatives - replatting, rezoning, vacate easements or rights-of-way, moving the structure, or remodeling the structure.