



Municipality of Anchorage

Planning Department

Memorandum



DATE: July 29, 2026

TO: Reviewing Agencies

SUBJECT: 2026-0113, Amendment to Anchorage Municipal Code Title 21 Chapter 21.03.120, Minor Modifications, and Chapter 21.03.240, Variances, to Update Review Criteria for Dimensional Variances and Increase the Threshold for Director Approval of Minor Modifications

The Planning Director is the decision authority for minor modifications, and the Zoning Board of Examiners and Appeals is the decision authority for dimensional variances. This amendment proposes the following changes to Title 21:

- Increases the application threshold for minor modifications from a five percent encroachment to a ten percent encroachment.;
- Changes dimensional variance review criteria a and b to consider other extraordinary property circumstances in addition to purely physical circumstances; and
- Changes dimensional variance review criterion g for clarity.

Your comments will be submitted to the Planning and Zoning Commission for a public hearing scheduled for **Monday, September 21, 2026, at 6:30 p.m. in the Assembly Chambers of the Z.J. Loussac Library, 3600 Denali Street, Anchorage.** Recommendations from the Commission will be forwarded to the Assembly.

Submit written comments in the following ways:

by CityView: <http://munimaps.muni.org/planning/allcomments.cfm>
(insert case number 2026-0113)

by email: Anchorage2040@muni.org

by fax: (907) 343-7927

by mail: Current Planning Division
MOA Planning Department
P.O. Box 196650
Anchorage, AK 99519-6650

If you have questions, please contact Elizabeth Appleby at 907-343-7925 in the Planning Department.

Attachment: Draft Ordinance

Submitted by: Chair of the Assembly at the
Request of the Mayor
Prepared by: Planning Department
For reading:

ANCHORAGE, ALASKA
AO No. 2026-__

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 21.03.120, MINOR MODIFICATIONS, AND CHAPTER 21.03.240, VARIANCES, TO UPDATE REVIEW CRITERIA FOR DIMENSIONAL VARIANCES AND INCREASE THE THRESHOLD FOR DIRECTOR APPROVAL OF MINOR MODIFICATIONS.

(Planning and Zoning Commission Case No. 2026-0113)

WHEREAS, the Planning Director is the decision authority for minor modifications and the Zoning Board of Examiners and Appeals is the decision authority for dimensional variances; and

WHEREAS, dimensional variance approval criteria a and b are limiting to physical circumstances property and this change will cover other extraordinary circumstances supporting a variance request, such as surveying errors and irregular or atypical platted lots; and

WHEREAS, the five percent threshold for minor modification is restrictive and an increase to ten percent is reasonable for administrative reviews of encroachments by the Director; and

WHEREAS, the Zoning Board of Examiners and Appeals was consulted for input on creating the Ordinance,

WHEREAS, a public hearing was held before the Planning and Zoning Commission to provide a formal recommendation to the Assembly; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.03.120.B. Applicability for Minor Modifications is amended as follows:

21.03.120 MINOR MODIFICATIONS

*** **

B. Applicability

*** **

1 **1. Minor Modifications to General Development and Zoning**
2 **District Standards**

3
4 As part of the review and approval of any procedure set forth in this
5 chapter, the director, the planning and zoning commission, or the
6 urban design commission may approve minor modifications of up to
7 a maximum of ten[FIVE] percent from the following general
8 development and zoning district standards provided that the
9 approval criteria of subsection D. below are met.

- 10
11 a. Minimum lot area, setback, step-back or building length
12 requirements set forth in chapter 21.06, *Dimensional*
13 *Standards and Measurements*;
14
15 b. General development standards set forth in chapter 21.07,
16 *Development and Design Standards*, except for the natural
17 resource protection standards in subsection 21.07.020B.;
18
19 c. The dimensional standards, site development and design
20 standards, and building design standards set forth in chapter
21 21.09, *Girdwood Land Use Regulations* (sections 21.09.060,
22 21.09.070, and 21.09.080), in chapter 21.10, *Chugiak-Eagle*
23 *River* (sections 21.10.060 and 21.10.070), and in chapter
24 21.11, *Downtown* (sections 21.11.060 and 21.11.070).

25
26 *** **

27 **D. Approval Criteria**

28 The decision-making body may approve the minor modification only
29 if it finds that the modification meets all of the criteria below:

- 30 1. The requested modification is consistent with the comprehensive
31 plan and the stated purpose of this title;
32
33 2. The requested modification meets all other applicable building and
34 safety codes;
35
36 3. The requested modification does not encroach into a recorded
37 easement;
38
39 4. The requested modification will have no significant adverse impact
40 on the health, safety, or general welfare of surrounding property
41 owners or the general public, or such impacts will be substantially
42 mitigated; and
43
44 5. The requested modification is necessary to either: (a) compensate
45 for some practical difficulty or some unusual aspect of the site of the
46 proposed development not shared by landowners in general; or (b)

accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be modified. In determining if “practical difficulty” exists, the factors set forth in section 21.03.240G., *Approval Criteria* (for Variances) shall be considered.

*** **

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2020-38, 4-28-20; AO 2022-36, 4-26-22; AO 2025-40(S), 4-22-25); AO 2026-##, #-##-####

Section 2. Anchorage Municipal Code section 21.03.240G.2. Approval Criteria for Variances Decided by the Zoning Board of Examiners and Appeals is amended as follows:

21.03.240 VARIANCES

*** **

G. Approval Criteria

*** **

2. Approval Criteria for Variances Decided by the Zoning Board of Examiners and Appeals

- a. There exist exceptional, [OR]extraordinary, or practical [PHYSICAL]circumstances of the subject property including, but not limited to, physical circumstances such as streams, wetlands, or slope[.]; unique lot geometry; surveying errors; and those circumstances are not applicable to other land in the same zoning district.
- b. 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;
- c. 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;
- d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;
- e. 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;

- f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality;
- g. The variance, if granted, will not adversely impact access or reasonable accommodation [PERSONS WITH DISABILITIES ARE PROVIDED WITH ACCESS AS] required by the Americans with Disabilities Act (ADA)[AND REASONABLE ACCOMMODATION]; and
- h. The variance granted is the minimum variance that will make possible a reasonable use of the land.

*** **

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-36, 5-14-15; AO 2015-133(S), 2-23-16; AO 2017-55, 4-11-17; 2018-67(S-1), 10-9-18; AO 2020-38, 4-28-20; AO 2021-89(S), 2-15-2022; AO 2022-38, 4-12-22; 2022-36, 4-26-22; AO 2023-50, 7-11-23; AO 2023-120, 12-5-23; AO 2024-24, 4-23-24; AO 2025- 64AA, 6-10-25)

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2026.

Chair of the Assembly

ATTEST:

Municipal Clerk