

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 7-10-01

Submitted by: Chair of the Assembly
at the Request of the Mayor
Prepared by: Planning Department
For reading: June 5, 2001

ANCHORAGE, ALASKA
AO NO. 2001- 117

1 AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 21.10.025,
2 21.30.110, AND 21.55.040 TO ALLOW DIMENSIONAL ENCROACHMENTS OF
3 EXISTING STRUCTURES CONSTRUCTED PRIOR TO JANUARY 1, 1986, TO
4 ENCROACH INTO REQUIRED ZONING SETBACKS FOR YARDS, EXCEPT FOR THOSE
5 ENCROACHMENTS WHICH ARE DETERMINED TO BE A LIFE/SAFETY HAZARD.

6
7 THE ANCHORAGE ASSEMBLY ORDAINS:

8
9 Section 1. Anchorage Municipal Code section 21.10.025 is hereby amended to read as
10 follows: *(the remainder of the section is not affected and therefore not set out)*
11

12 21.10.025 Zoning board of examiners and appeals.

13
14 There shall be a zoning board of examiners and appeals, which shall have the following
15 powers and duties:

16
17 A. Hear and decide applications for variances from the provisions of chapters 21.35
18 through 21.65 in accordance with section 21.15.010, except applications for
19 variances from the provisions of subsections 21.40.150H., 21.40.160H., and
20 21.40.170H.

21
22 B. Hear and decide appeals from enforcement orders and denials of permit or
23 certificate applications under sections 21.30.110 through 21.30.170, and
24 21.55.040.

25 * * *

* * *

26
27 (GAAB 21.30.250, 21.30.350; AO No. 77-355; AO No. 85-23; AO No. 99-131, § 2, 10-
28 26-99)

29
30 Section 2. Anchorage Municipal Code section 21.30.110 is hereby amended to read as
31 follows: *(the remainder of the section is not affected and therefore not set out)*
32

33 21.30.110 Jurisdiction of board.

34
35 The zoning board of examiners and appeals shall hear appeals from decisions of the
36 municipal staff regarding:

37 * * *

* * *

* * *

38 G. Denial of or imposition of conditions on a certificate under section 21.55.040.
39
40

(GAAB 21.05.080, 21.30.350; AO No. 85-23; AO No. 88-59(S); AO No. 99-131, § 5, 10-26-99)

Section 3. Anchorage Municipal Code section 21.55.040 is hereby amended to read as follows:

21.55.040 Nonconforming structures.

A. Where a lawful structure existed at the original effective date of adoption or amendment of applicable regulations that could not be built under the terms of current regulations set forth in chapters 21.35 through 21.50 by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1.[A.] No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2.[B.] Should such nonconforming structure or nonconforming portion of structure be damaged by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.

3.[C.] Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

4.[D.] A residential structure in a residential zone may be enlarged, so long as the addition to the structure conforms to all the requirements set forth in this title.

B.[E.] Notwithstanding subsections A.1. through A.4.[D] of this section, mobile homes may be repaired or moved within the lot in compliance with setback and yard requirements if the mobile home occupied the lot at the time of adoption of applicable regulations.

C.[F.] Notwithstanding subsections A.1. through A.4.[D] of this section, community interest and local interest towers may be repaired and maintained in accordance with 21.55.060[.]B₂ of this chapter.

D. *Legalization of nonconforming dimensional yard setback encroachments.*

- 1 1 Existing structures with dimensional encroachments into required yards
2 which were constructed prior to January 1, 1986, may continue in existence
3 provided the following requirements are met:
4
5 a an application for the registration of nonconforming encroachment is
6 submitted to the Office of Planning, Development and Public Works;
7
8 b the encroachment is determined not to be a life safety hazard by the
9 Executive Director of the Office of Planning, Development and Public
10 Works or his/her designee; and
11
12 c. ~~the encroachment is determined to be in compliance with all other~~
13 ~~provisions of municipal code applicable at the time of construction; and~~
14
15 c.d. a valid permit is issued.
16
17 2. Procedures for registration. Application for the registration of
18 nonconforming encroachment shall be submitted to the Office of Planning,
19 Development and Public Works. This application shall be on a form
20 provided by the Office of Planning, Development and Public Works, which
21 will require an as-built drawn by a land surveyor registered in the State of
22 Alaska, which shows all structures on the lot at the date of application, as
23 well as information supporting the assertion that the structure and
24 encroachments were constructed prior to January 1, 1986. The
25 Municipality may require the petitioner to provide additional information to
26 support this application.
27
28 a. The Executive Director of the Office of Planning, Development and
29 Public Works, or his/her duly appointed designee, shall review the
30 encroachment to determine conformance with applicable municipal
31 code in existence at the time of construction.
32
33 b. Within 30 days of receipt of all requested information and upon an
34 adequate showing that the requirements stated in subsection 1. are met,
35 the Director or his/her designee shall issue or deny a certificate
36 permitting the continued use and existence of the encroachment. The
37 Director may impose such conditions on the certificate as he/she may
38 determine are appropriate to protect the general welfare. The certificate
39 shall note the size and characteristic of the yard encroachment and the
40 structure. A copy of the required as-built shall be attached thereto.
41
42 3 Once registered, the encroachment shall enjoy all the protections and
43 privileges afforded to a nonconforming structure under the provisions of
44 this chapter.
45
46

4. Any aggrieved person may appeal the grant or denial of a certificate to the Zoning Board of Examiners and Appeals.

(GAAB 21.05.070.D; AO No. 88-147(S-2); AO No. 99-62, § 36, 5- -99)

Section 4. This ordinance is effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 10 day of July, 2001.


Chair of the Assembly

ATTEST:



MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects - General Government

AO Number: 2001- 117 Title: Ordinance amendment to allow existing dimensional encroachments of existing structures constructed prior to January 1, 1986, to encroach into required zoning setbacks for yards except for those which are determined to a life/safety hazard.

Sponsor: Municipality of Anchorage

Preparing Agency: Planning Department

Others Affected

CHANGES IN EXPENDITURES AND REVENUES (Thousands of Dollars)

	FY00	FY01	FY02	FY03	FY04
Operating Expenditures					
1000 Personal Services					
2000 Supplies					
3000 Other Services					
4000 Debt Services					
5000 Capital Outlay					
TOTAL DIRECT COSTS					
6000 IGCs					
FUNCTION COST:					
REVENUES:					
CAPITAL:					
POSITIONS: FT/PT and					
Temp.					

PUBLIC SECTOR ECONOMIC EFFECTS:

The ordinance amendment presents an opportunity to implement an ordinance, which provides a more expeditious procedure for structures constructed prior to January 1, 1986, which encroach into zoning setbacks. The ordinance will allow staff resources to be used more efficiently.

PRIVATE SECTOR ECONOMIC EFFECTS:

Approval of the ordinance amendment should have no significant economic impact on the private sector. The private sector will be able to apply for and obtain needed variances in a more efficient process.

Prepared by Jerry Weaver Jr.,
Planning Supervisor

Telephone 343-4215

Validated by
OMB:

Date:

Approved By:

Cheryl Frasca
William R. Kim
Director, Preparing Agency

Date:

May 18, 2001
3-16-2001