

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 #

Community Council:

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.

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Date

Signature (Agents must provide written proof of authorization)

DOCUMENTATION	
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
35 sets of all submittals are required. Original application with original signature must be submitted.	

Accepted by:	Poster & Affidavit:	Fee	Case Number
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PETITIONING FOR**CODE CITATIONS**

AMC 21.

AMC 21.

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)☐ 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**PENDING SALE OR PROPERTY TRANSFER**

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.

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.

BUYER

Name (last name first)

Mailing Address

Contact Phone:

FAX:

E-mail:

BUYER'S LENDER (IF ANY)

Name (last name first)

Mailing Address

Contact Phone:

FAX:

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 7 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.

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

EXPLAIN:

2. Because of these physical circumstances, the strict application of this code would create 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;

EXPLAIN:

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

EXPLAIN:

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

EXPLAIN:

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

EXPLAIN:

6. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the Municipality of Anchorage; and

EXPLAIN:

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

EXPLAIN:

SOME HELP IN RESPONDING TO THE 7 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. There exist exceptional or extraordinary physical circumstances of the subject property such as, but not limited to, streams, wetlands, or slope, and such physical circumstances 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. 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 non-conforming 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 this code would create 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. 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. The hardship is not self-imposed, and 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 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/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, incompatible with what the *Anchorage 2020 Comprehensive Plan* describes as appropriate for the area; and does 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 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. The variance, if granted, is in keeping with the intent of this code, will not change the character of the zoning district in which the property is located.

You may not be using the 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 neighbors who are 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 of Anchorage

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. 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, vacate 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.