

MAKING HOME REPAIR EASIER

Streamlining the non-conformities process

A “legal nonconformity” is a structure that was allowed when built but wouldn’t comply with zoning code if built today. Examples are everywhere in Anchorage because most housing was built prior to 2014 when our code became more restrictive. That means people who want to maintain or upgrade older properties often have to get special permission to do so given their property’s nonconformity.

This can cause costly delays and unintended consequences — for example, forcing homeowners to pave their driveways before they can remodel their bathrooms. The cost and hassle actively discourage people from maintaining and repairing housing.

A TWO-PART FIX

1. LEGISLATIVE:
AO (PZC Case 2025-44)
- a. Nonconformity determination process **waived for interior repairs.**

b. Raise the threshold for when multifamily and commercial renovations must fix unrelated nonconformities. Instead of being triggered in response to upgrades worth 10% of a building’s value, it would be **triggered when upgrades reach more than 50% of its value.**

2. REGULATORY:

For minor issues, the Planning Department can put a “notice of zoning deficiency” on the title so property owners can move ahead on repairs and improvements without waiting on the nonconfirming determination process. Later, if they choose, the homeowner can go through the process to establish their nonconformity rights so the notice can be removed.

Example	Currently	After changes
Hank wants to renovate his bathroom, but his driveway is wider than code currently allows.	Hank can’t get a permit to fix his bathroom unless he also narrows his driveway, or proves it was legal when built.	Hank’s bathroom renovation is allowed since interior renovations won’t require nonconforming determinations.
Mel wants to build an ADU, but the roof of her current house hangs over a setback.	Mel can’t get a permit to build an ADU unless she moves her roof or gets a nonconformity determination from the Muni.	The Planning Dept. puts a “notice of zoning deficiency” on Mel’s title. In the meantime, Mel can build the ADU without delay.
Howard wants to expand his garage, but it’s in a setback.	Howard can’t expand his garage.	Howard still can’t expand his garage. Neither fix will allow property owners to “intensify” an existing nonconformity.
Mollie, the owner of an apartment building, wants to rehabilitate 25% of the units, but the building doesn’t meet current landscaping standards.	Because this is a commercial use and the repairs are over 10% of the value of the property, Mollie must spend at least 10% of the project budget on landscaping rather than repairs.	Mollie can rehab her units. In commercial buildings, fixing nonconformities won’t be required unless the upgrade exceeds 50% of the building’s value.



OUTCOME

Residents can repair and rehabilitate housing without having to resolve unrelated zoning issues.