

# MUNICIPALITY OF ANCHORAGE



Planning Department

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*Mayor Suzanne LaFrance*

## Director's Policy Memo 2025-03

DATE: August 4, 2025

TO: Planning Department

FROM: *MB* Mélisa R. K. Babb, Planning Director

SUBJECT: Title 21 Nonconformities when Permitting for Construction or Site Development for Residential Uses.

### Policy:

The Municipality of Anchorage is actively promoting increased housing density across the municipality, including residential infill on pre-developed lots and renovation of older dwelling units.

All permits for construction will be reviewed for Title 21 compliance. Any new construction must meet all Title 21 requirements and may not create or increase any existing nonconformities.

If any nonconformities with Title 21 are found for existing structures or property during the course of the permit review process for new construction, such as for ADUs, renovations, or expansions, the Director of Planning, with the concurrence of the Building Official, may choose to issue a Notice of Zoning Deficiency ("Notice") so that the property owner may correct the nonconformity at a later date. The Notice must be signed and notarized by the property owner to acknowledge the nonconformity. The applicant must record the signed Notice with the State of Alaska recorder's office making it part of the official property record and provide proof of the recording to the Planning Department. The Planning Department will also keep a copy of the Notice of Zoning Deficiency on file with the Zoning and Land Use Review Division.

This Notice of Zoning Deficiency may only be issued for Residential Uses.

When the property owner corrects nonconformities on the property or structure and provides evidence of the correction to the Planning Department, the Notice of Zoning Deficiency will be released, and the release will be recorded.

The Director will not issue a Notice of Zoning Deficiency under circumstances where the deficiency may present a health, safety, or welfare issue. By way of example only, the Director will not issue a Notice for the following:

- Encroachments into stream protection setbacks or other setbacks established for protection of environmentally sensitive areas, such as steep slopes or wetlands,
- Encroachments into drainage easements,
- Encroachments into setbacks that adversely impact neighboring properties,
- Encroachments into front yard setbacks that adversely impact snow removal, operations, trash service, or obstruct sightlines for vehicular traffic,
- Prohibited uses.

By way of example only, those deficiencies that may be eligible to receive a Notice include, but are not limited to, the following:

- Storage sheds, or similar accessory structures, encroaching in setbacks,
- Fences that do not meet location or maximum height requirements,
- Driveways that do not meet requirements for paving, width, number, etc.,
- Structures encroaching in front setbacks,
- Structures encroaching in rear setbacks adjacent to an alley,
- Landscaping deficiencies,
- Deficiencies in development design standards such as building frontage requirements,
- Deficiencies in on-site circulation requirements.

The issuance of the Notice is entirely at the discretion of the Director, with the concurrence of the Building Official, and refusal to issue a Notice may not be appealed. The determination to issue a Notice of Zoning Deficiency is based on the best information available to the Planning Department at the time the determination is requested. If additional information is obtained, or the information provided is later determined to be inaccurate or false, and materially changes the conclusions herein, the Department may revise or revoke the Notice and require the applicant to correct the deficiency.