



**MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM**

No. AM 491-2001

Meeting Date: June 5, 2001

From: Mayor

Subject: AO 2001-

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 be a life/safety hazard.

- 1 On February 5, 2001, the Planning and Zoning Commission approved the
- 2 ordinance amendment to allow existing dimensional encroachments of existing
- 3 structures constructed prior to January 1, 1986, to encroach into required zoning
- 4 setbacks for yards except for those which are determined to be a life/safety
- 5 hazard.

- 6 On March 8, 2001, the Zoning Board of Examiners and Appeals reviewed the
- 7 ordinance amendment and also approved the change to the Municipal Code.

- 8 The new process will save time for all parties involved and allow people in these
- 9 situations to expeditiously obtain the certificate of legal nonconformity with an
- 10 administrative process.

- 11 Approval of this ordinance is recommended.

Concur:

Harry J. Kieling, Jr.
Municipal Manager

Concur:

Craig E. Campbell, Executive Director
Office of Planning, Development, and
Public Works

Respectfully submitted,

George P. Wuerch
Mayor

Prepared by:

Susan R. Fison, Director
Planning Department

**PLANNING AND ZONING COMMISSION MEETING
Assembly Chambers
Z.J. Loussac Library
3600 Denali Street
Anchorage, Alaska**

**MINUTES OF
May 7, 2001
6:30 PM**

A. ROLL CALL

Present Don Karabelnikoff
Wm. Dwayne Adams
Henry Penney
Daphne Brown, Chair
Tom Klinkner
Esther Cox
Toni Jones

Staff Sue Fison
Mary Autor
Thede Tobish

B. MINUTES

COMMISSIONER KLINKNER moved for approval of the Anchorage School Board and Planning and Zoning Commission Joint Meeting Minutes of March 21, 2001.

COMMISSIONER KARABELNIKOFF seconded.

AYE: Karabelnikoff, Jones, Penney, Brown, Cox, Adams, Klinkner

NAY: None

PASSED

C. SPECIAL ORDER OF BUSINESS

1. Disclosures

CHAIR BROWN asked members of the Commission to disclose any potential conflicts of interest relating to cases on this evening's agenda. COMMISSIONER KLINKNER indicated that the case relating to Resolution 2001-006 on the Consent Agenda involves property owned by a client of his, which he disclosed when the matter was heard and the Commission concluded he should participate. Additionally, he was recused from the case that relates to Resolution 2001-029 and intended to abstain from the vote on that resolution.

CHAIR BROWN noted regarding Consent Agenda case 2001-055 that the building was originally done by her employer, but this conditional use request was made by another firm.

D. CONSENT AGENDA

1. **Resolutions for Approval:** 2000-009 (case 2000-160), 2001-005 (case 2001-004), 2001-006 (case 2001-006), 2001-022 (case 2001-050), 2001-023 (case 2001-025), 2001-024 (case 2000-208), 2001-027 (case 2001-011), 2001-029 (case 2001-018), 2001-031 (case 2001-029), 2001-032 (case 2001-042)

4. **Time Extensions/Expedited Hearing Requests/Minor Conditional Use Amendments**
 - a. **2001-055:** A non-public hearing site plan review to allow for the installation of a Type 4 monopole fixed wireless communications antenna per AMC 21.45.265.A.14.D. Located to the west of Muldoon Road and south of East 20th Avenue.

5. **Other**
 - a. **Informational:** Abandonment of Conditional Use, Resolution Number 99-022, case number 99-038. Generally located on the south side of East 92nd Avenue and west of King Street.

 - b. **Case 2001-007.** Ordinance amendment for nonconforming uses (S version)

COMMISSIONER PENNEY moved for approval of the Consent Agenda.

COMMISSIONER KARABELNIKOFF seconded.

CHAIR BROWN pulled Resolution 2001-029 from the Consent Agenda.

AYE: Karabelnikoff, Jones, Penney, Brown, Cox, Adams, Klinkner

NAY: None

PASSED

Resolution 2001-029

COMMISSIONER PENNEY moved for approval of Resolution 2001-029.

COMMISSIONER KARABELNIKOFF seconded.

AYE: Karabelnikoff, Jones, Penney, Brown, Cox, Adams

NAY: None

ABSTAIN: Klinkner

PASSED

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2001-009

A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING THE ANCHORAGE MUNICIPAL CODE TO ALLOW THOSE STRUCTURES CONSTRUCTED PRIOR TO JANUARY 1, 1986 WITH DIMENSIONAL ENCROACHMENTS TO BE ALLOWED SO LONG AS THEY ARE NOT A LIFE/SAFETY HAZARD AND OBTAIN A CERTIFICATE OF LEGAL NONCONFORMING STATUS

(Case 2001-007)

WHEREAS, the Municipality presently processes variances to the Zoning Board of Examiners and Appeals in a public hearing forum, and

WHEREAS, the Zoning Board of Examiners and Appeals caseload for this type of encroachment from this time period is approximately twenty five percent of the entire workload, and

WHEREAS, there is a recognized need to effectively utilize staff and Board time, and


WHEREAS, the Municipality of Anchorage believes that by allowing these cases to be reviewed administratively, all parties will have the cases processed more expeditiously, and

WHEREAS, the existing encroachments will be reviewed to determine that there is no life/safety issue in granting a variance, and

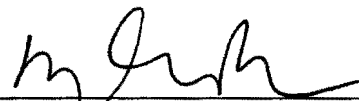
WHEREAS, encroachments after 1986 will have to continue to meet the standards for a public hearing variance but that the number of requests will be fewer because the Municipality started requiring as-builts of the structure before granting a final certificate of occupancy in 1986, and

NOW, THEREFORE, BE IT RESOLVED by the Municipal Planning and Zoning Commission that the ordinance is approved.

PASSED AND APPROVED by the Anchorage Planning and Zoning Commission this 5th day of February 2001.



Susan R. Fison
Secretary



Daphne Brown
Chair

(2001-007)

AD 200-117
991-2001

	Cordinance discussions structure January 1 required		11/1/01	11/1/01
1	Planning			
2	J. Gears			
3	CONTRACT			
4	Maps			
5	Map 1			
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