

Application for Dimensional Variance

Municipality of Anchorage
Planning Department
PO Box 196650
Anchorage, AK 99519-6650

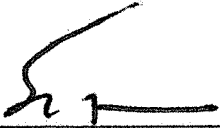
PETITIONER*		PETITIONER REPRESENTATIVE (if any)	
Name (last name first) Son, Sok		Name (last name first) Clift, Daniel	
Mailing Address 3833 Parsons Ave		Mailing Address 506 E. Fireweed LN, Ste A	
Anchorage, AK 99508		Anchorage, AK 99503	
Contact Phone – Day	Evening	Contact Phone – Day	Evening
		907 339 9100	
E-mail sksonemail@gmail.com		E-mail dan@deteterminedesign.com	

*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): 004-041-51-000		
Site Street Address: 3833 Parsons Ave, Anchorage, AK 99508		
Current legal description: (use additional sheet if necessary) MOUNTIAN VIEW BLK 21 LT 1 S3 E2		
Zoning: B1A	Acreage: 6,250 SF	Grid #: SW1135

PETITIONING FOR
Dimensional Variance for Secondary Front Setback, Both Side Setbacks, and Lot Coverage.

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 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.

Signature  ☒ Owner ☐ Representative (Representatives must provide written proof of authorization) Date **4/29/24**

Print Name **Sok Son**

Accepted by:	Poster & Affidavit:	Fee:	Case Number:	Meeting Date: ZBEA
			2024-0066	07/11/2024

CODE CITATIONS

AMC 21. 06.020

AMC 21.

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 Corps of Engineers ☐ Municipality of Anchorage

APPLICATION REQUIREMENTS

(One of each applicable item is required for initial submittal, additional copies are required after initial submittal)

- 1 copy required: ☒ Signed application (original)
- 16 copies required: ☒ Signed application (copies)
- ☒ Variance narrative, addressing:
- ☒ The need for the variance, including when the need for the variance was discovered
 - ☒ The effect of granting the variance
 - ☒ An analysis of how the proposal meets the variance standards below
- ☒ As-built survey showing existing conditions, to scale (no more than 2 years old)
- ☒ Proposed plot plan or site plan, to scale (new construction)
- ☐ Topographic map of site
- ☒ Photographs

(Additional information may be required.)

VARIANCE STANDARDS

The Zoning Board of Examiners and Appeals may only grant a variance if the Board finds that **all** of the following 8 standards are substantially met. 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.

- a. There exist exceptional or extraordinary physical circumstances of the subject property including, but not limited to, streams, wetlands, or slope, and those circumstances are not applicable to other land in the same zoning district;
- b. Because of these physical circumstances, the strict application of the code creates 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;
- c. The hardship is not self-imposed, special conditions and circumstances do not result from the actions of the applicant, and such conditions and circumstances do not merely constitute inconvenience;
- d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;
- e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;
- f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality;
- g. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and
- h. The variance granted is the minimum variance that will make possible a reasonable use of the land.

VARIANCE NARRATIVE

NEED FOR THE VARIANCE

DATE OF DISCOVERY: 04/09/2024

Permitting for an interior renovation change of use to assisted living, a nonconforming determination was required and it noted that the existing structure which was previously a legal nonconforming building had been added on to in a way that was noncompliant.

EFFECT OF THE VARIANCE

Removal of awnings and shed to bring the building back to the status of a legally non-conforming structure and to allow the opening of a neighborhood assisted living facility.

VARIANCE STANDARDS RESPONSES

- a. There exist exceptional or extraordinary physical circumstances of the subject property including, but not limited to, streams, wetlands, or slope, and those circumstances are not applicable to other land in the same zoning district.

The building was established before today's zoning regulations, giving it a legal non-conforming status, except for two awnings and a small shed which are being removed. Also, worthy to note, this was not built by the owner of record, but a former owner. The current owner purchased the structure and has inherited this condition.

- b. Because of these physical circumstances, the strict application of the code creates 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.

This requirement will cause the owner to demo the existing building in total not to just allow us to remove the only illegal non-conforming features. Without the Variance this structure would have no usable value.

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

Correct, building was established and added to, by former owners and sold to current owner without disclosure of such information. Sellers, who were a church, probably had no knowledge that the canopies they were adding required permits. The purchaser was informed that there was already an existing NCD, which was true, but not relevant.

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

This is correct. Part of the variance shall be that there is intention to remove the canopies which in some cases extend past the property line and into required setbacks.

- e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies.

This is correct, the building has existed for many years and this project will include improvements to the building appearance as well as bringing the structure more in the direction of current code compliance.

- f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.

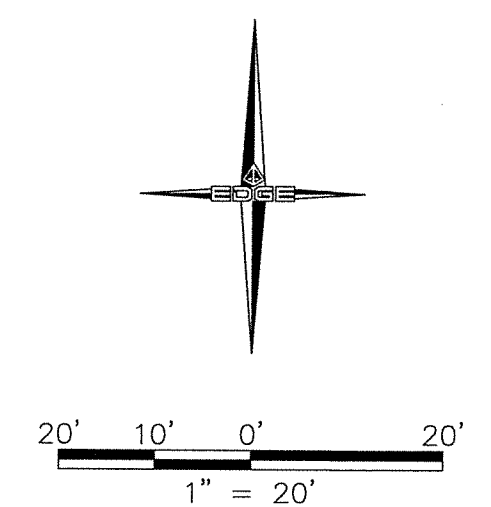
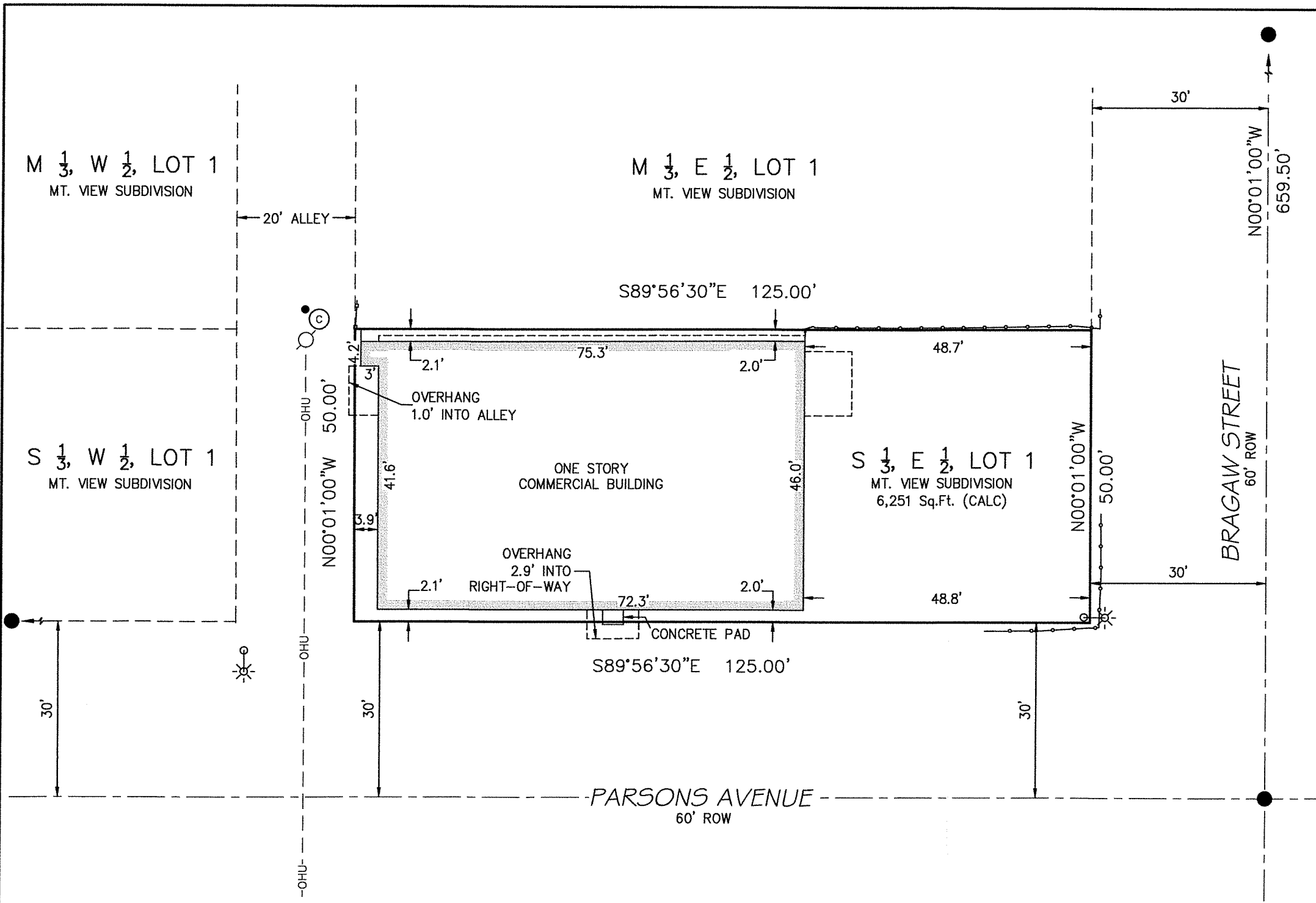
This is correct.

- g. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation.

This is correct, new design is an assisted living facility.

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

This is a last resort to keep the existing building intact. Rejection of this variance would render the building unusable and cause great harm to the owner who purchased the property, without knowledge that there was any violation.



LEGEND	
	PROPERTY LINE
	ADJACENT PROPERTY LINE
	CENTERLINE
	CHAIN LINK FENCE
	WOOD FENCE
	OVERHEAD UTILITY
	BUILDING
	BUILDING OVERHANG
	FOUND MONUMENT
	UTILITY POLE
	BOLLARD
	SIGN
	LUMINAIRE
	MISC. COMM. PEDESTAL

- NOTES
- THIS DRAWING IS BASED ON A FIELD SURVEY PERFORMED BY EDGE SURVEY AND DESIGN, LLC ON 2/29/2024.
 - RECORD DATA SHOWN HEREON IS PER PLAT OF LOTS M 1/3 & S 1/3 OF E 1/2, LOT 1, BLOCK 21, MT. VIEW SUBDIVISION, RECORDED AS PLAT 68-4.
 - SOME FEATURES MAY NOT HAVE BEEN LOCATED DUE TO SNOW AND ICE PRESENT AT TIME OF SURVEY.
 - THE WOOD FENCE ON THE NORTH SIDE OF THE BUILDING WAS INACCESSIBLE AND PUSHED AGAINST THE BUILDING IN AREAS DUE TO SNOW LOAD.

SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HEREON AND THE IMPROVEMENTS EXIST AS SHOWN.

3/26/2024

MARK A. AIMONETTI
PLS 13022



EDGE
SURVEY AND DESIGN, LLC
ANCHORAGE, AK 99518
Phone (907) 344-5990 Fax (907) 344-7794

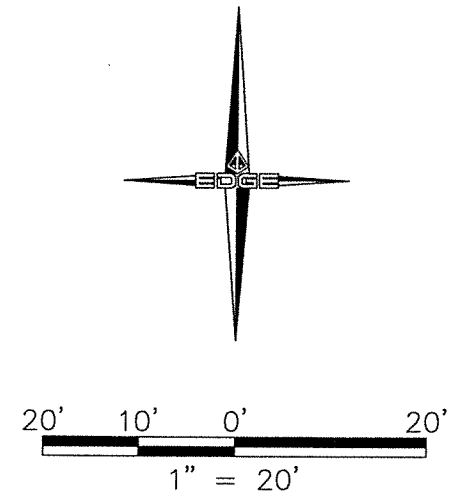
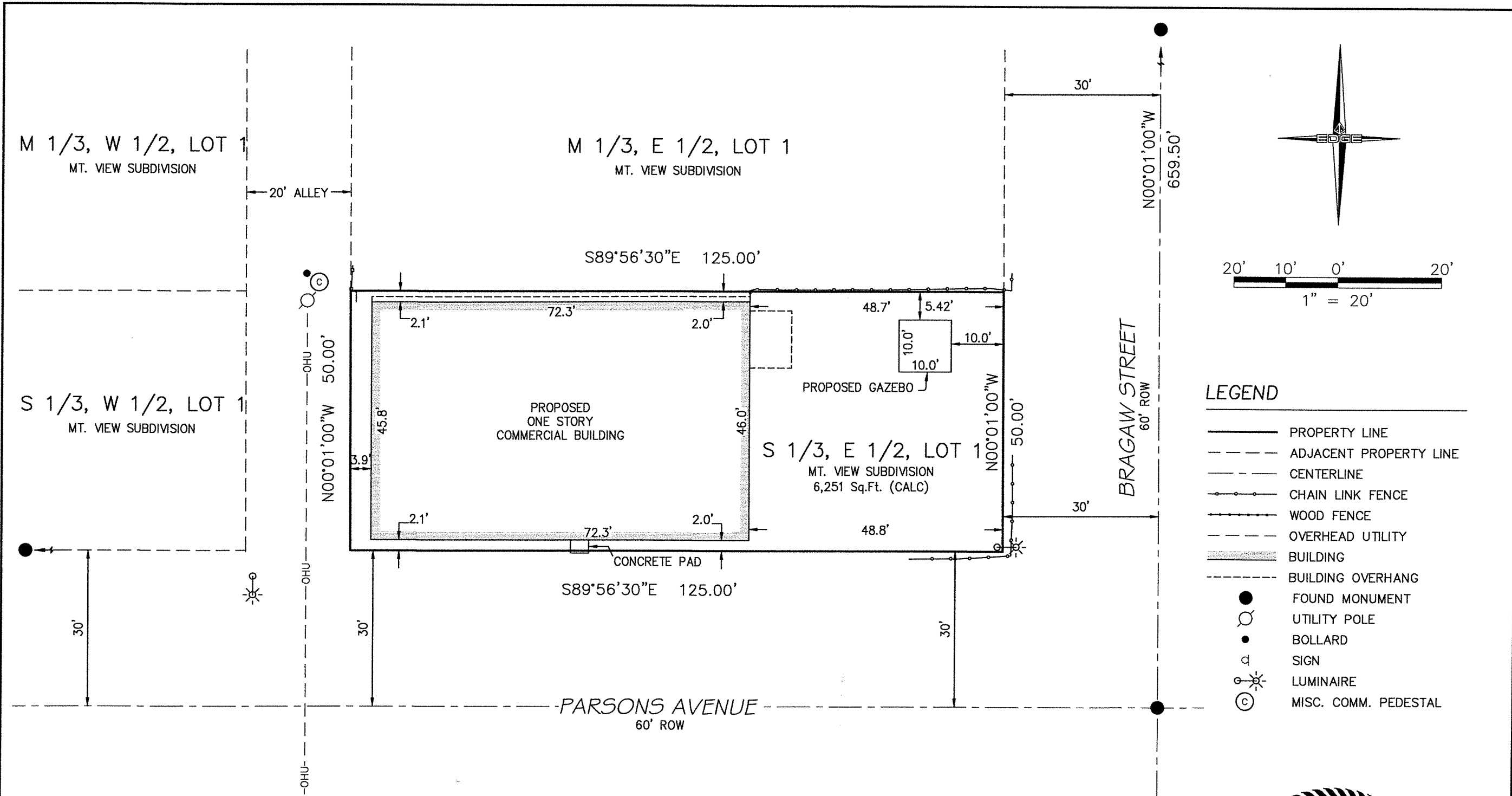
3833 PARSONS AVENUE
AS-BUILT SURVEY

SCALE
1" = 20'

DATE
3/26/2024

SHEET
1 OF 1

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- LEGEND
- PROPERTY LINE
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- THE WOOD FENCE ON THE NORTH SIDE OF THE BUILDING WAS INACCESSIBLE AND PUSHED AGAINST THE BUILDING IN AREAS DUE TO SNOW LOAD.
- PROPOSED GAZEBO LOCATION PROVIDED BY DETERMINE DESIGN, LLC.

SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I HAVE PREPARED THIS PLOT PLAN AND THAT THE RECORD DATA SHOWN HEREON IS ACCURATE PER PLAT OF LOTS M 1/3 & S 1/3 OF E 1/2, LOT 1, MT. VIEW SUBD, RECORDED AS PLAT 68-4.

Mark A. Aimonetti 4/10/2024
MARK A. AIMONETTI
PLS 13022



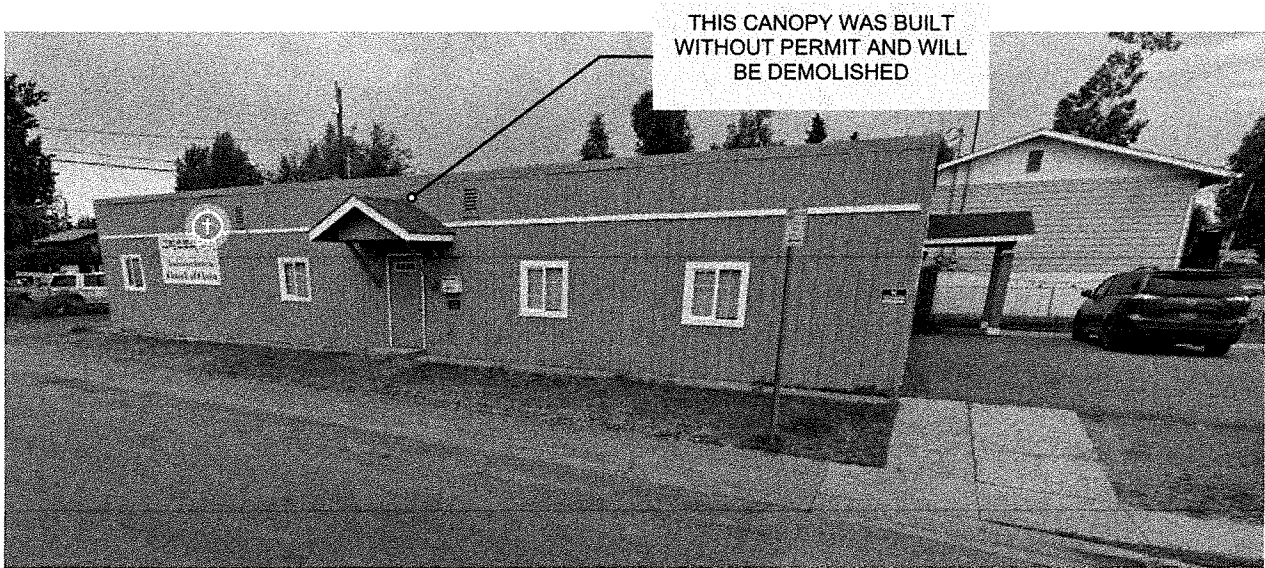
EDGE
SURVEY AND DESIGN, LLC
8000 KING STREET
ANCHORAGE, AK 99518
Phone (907) 344-5990 Fax (907) 344-7794

3833 PARSONS AVENUE
PLOT PLAN

SCALE
1" = 20'

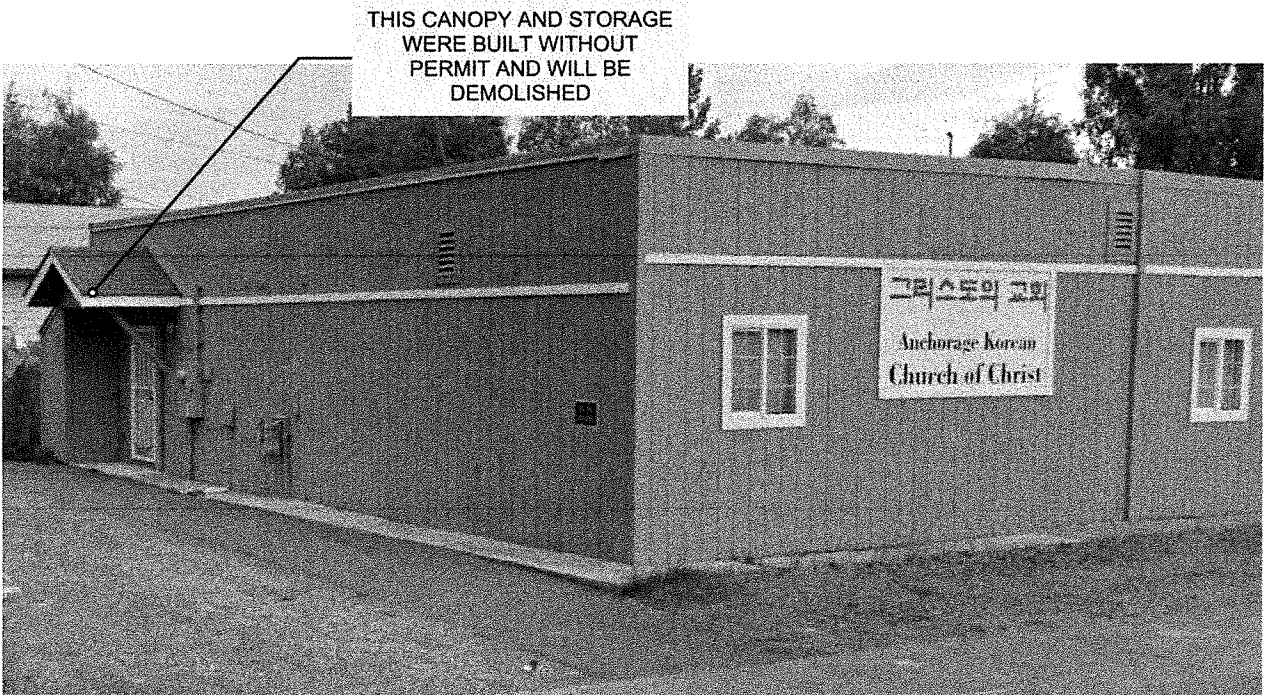
DATE
4/10/2024

SHEET
1 OF 1



THIS CANOPY WAS BUILT
WITHOUT PERMIT AND WILL
BE DEMOLISHED

BUILDING SIDE-YARD ENCROACHMENT



THIS CANOPY AND STORAGE
WERE BUILT WITHOUT
PERMIT AND WILL BE
DEMOLISHED

BUILDING REAR-YARD ENCROACHMENT