

MUNICIPALITY OF ANCHORAGE
ZONING BOARD OF EXAMINERS AND APPEALS
RESOLUTION NO. 2024-010

A RESOLUTION APPROVING A DIMENSIONAL VARIANCE FROM AMC 21.09.060 *TABLE 21.09-5: TABLE OF DIMENSIONAL STANDARDS – GIRDWOOD RESIDENTIAL DISTRICTS* TO ALLOW THE CABIN CLOSEST TO HIGHER TERRACE TO ENCROACH 10.0 FEET INTO THE 20-FOOT FRONT SETBACK; AND A VARIANCE FROM AMC 21.07.020B.9 *TABLE 21.07-1 MINIMUM STREAM SETBACK WIDTH PER SIDE* TO ALLOW THE CABIN CLOSEST TO HIGHER TERRACE TO ENCROACH A MAXIMUM OF 7.0 FEET INTO THE 25-FOOT STREAM SETBACK. GENERALLY LOCATED NORTH AND NORTHWEST OF HIGHER TERRACE, EAST AND SOUTH OF ALYESKA VIEW AVENUE, IN GIRDWOOD.

(Case 2024-0091; Tax ID No. 076-022-30)

WHEREAS, a request was received from Casey and Kristen Brogan, owners, and petitioners, for a Dimensional Variance from AMC 21.09.060 *Table 21.09-5: Table of Dimensional Standards – Girdwood Residential Districts* to allow the cabin closest to Higher Terrace to encroach 10.0 feet into the 20-foot front setback; and a Variance from AMC 21.07.020B.9 *Table 21.07-1 Minimum Stream Setback Width Per Side* to allow the cabin closest to Higher Terrace to encroach a maximum of 7.0 feet into the 25-foot stream setback. Generally located north and northwest of Higher Terrace, east and south of Alyeska View Avenue, in Girdwood.

WHEREAS, public hearing notices were published, posted, and mailed, and a public hearing was held on October 10, 2024.

NOW THEREFORE BE IT RESOLVED, by the Zoning Board of Examiners and Appeals that:


A. The Board makes the following findings of fact:

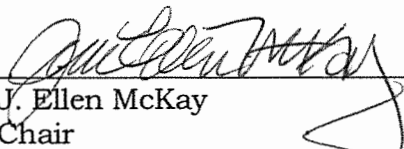
1. Standard A is met for both. There are exceptional physical circumstances of the property as this parcel has a slope of 28%. This property has an elevation difference ranging from forty-three feet (43') front to back along the northeast side lot line and forty feet (40') front to back along the southeast side lot line. The unnamed stream starts in the southeast corner of this property at Higher Terrace before meandering in a northwest direction bifurcating most of this parcel. Therefore, the steep slope and stream impact are extraordinary physical circumstances to this subject property.
2. Standard B is met for both. The stream setback and property setbacks reduce the buildable area on this lot by more than 50%. Taking these factors into account along with the steep slope, the impact on this parcel creates an exceptional and undue hardship upon the property owner to build in any other location on the property.
3. Standard C is met for both. This hardship is not self-imposed. These encroachments were constructed by a previous owner of the property. This variance to allow the addition of a second floor to the existing footprint and does not merely constitute an inconvenience for the property owner. According to the nonconforming determination this structure was constructed sometime in 1998. The current property owners purchased this home in 2011 unaware of the structure encroaching into the front setback and stream setback.

4. Standard D is met for both. This structure has encroached into the front setback and stream setback since its construction in 1989. The addition of a second floor to the existing footprint will not adversely affect the use of adjacent properties. To date, there have been no complaints from surrounding properties regarding this structure.
 5. Standard E is met for both. These variances do not change the character of the zoning district and do not permit a use not otherwise permitted in the gR-2 zoning district.
 6. Standard F is met for both. These encroachments within the front setback and stream setback have no known impacts on the health, safety, or welfare of the people of the municipality to date.
 7. Standard G is met for both. This standard is not applicable to multiple single-family structures on one lot.
 8. Standard H is met for both. This is the minimum variance that will allow the property owner to retain this structure that has existed in this location since 1989. Allowing them to add a second floor to the existing footprint without having to demolish or relocate it to meet setback requirements.
- B. The Board approves the variances from AMC 21.09.060 *Table 21.09-5: Table of Dimensional Standards – Girdwood Residential Districts* to allow the cabin closest to Higher Terrace to encroach 10.0 feet into the 20-foot front setback; and a Variance from AMC 21.07.020B.9 *Table 21.07-1 Minimum Stream Setback Width Per Side* to allow the cabin closest to Higher Terrace to encroach a maximum of 7.0 feet into the 25-foot stream setback for Lot 17, Block 21, Alyeska Subdivision, Addition 3, in Girdwood subject to the following conditions:
1. The variance shall be substantially in compliance with the petitioners' application, narrative, submittals, and the as-built dated July 16, 2024, prepared by 49th State Surveying, LLC, on file at the Planning Department.
 2. Within one year, record a notice of zoning action, the resolution of approval, and the final as-built with the State of Alaska Recorder's Office; and provide proof to the Planning Division.

PASSED AND APPROVED by the Anchorage Municipal Zoning Board of Examiners and Appeals on the 10th day of October 2024.

ADOPTED by the Anchorage Municipal Zoning Board of Examiners and Appeals on this 12th day of December, 2024. This is the final decision of the Board. Any party aggrieved by this decision may file an appeal pursuant to Anchorage Municipal Code 21.03.050D.


Mélisa R.K. Babb
Secretary


J. Ellen McKay
Chair

(Case 2024-0091; Tax I.D. No. 076-022-30)

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