

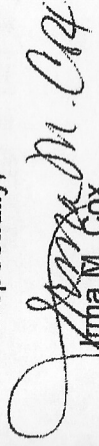
Nonconforming Status determination
T13N R1E Section 10 N2N2N2NW4SW4NW4

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Anchorage Municipal Code Title 21 is available on the internet at <http://www.municipalcode.com>. If I can be of further assistance, please contact me at 343-8380.

Respectfully,



Anna M. Cox

Land Use Plan Reviewer

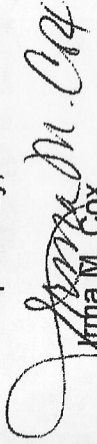
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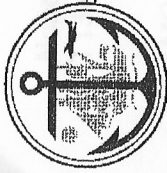
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Municipality of Anchorage

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Mayor Mark Begich

Planning Department

August 25, 2008

Amy Katz
3890 Pueblo Avenue #C
Santa Barbara, CA 93110

Dear Ms. Katz:

This letter is in response to your request for a determination of the nonconforming status of the property located at NHN Eagle River Road. (Parcel: 050-561-07, Grid: SE1006)

This determination is based upon the as-built survey provided with your request, building permit records, tax assessment records, our research, and the applicable Municipal Ordinances in place presently and at the time of construction. The following facts were established:

- March 30, 1953 territorial legislature passes the Platting Act (Chapter 115, Session Laws of Alaska 1953.) The city planning commission or city council is designated as the platting authority. Plats are required for subdivisions of 5 lots or more.
- March 25, 1955 Territorial law was amended to require plats for two or more lots (§ 3, Ch. 95, SLA 1955.)
- T13N R1E Section 10, N2N2NW4SW4NW4 was created by warranty deed, filed on March 28, 1972, (book 460, page 319).
- The property was zoned R-6, suburban residential district on June 15, 1984.
- Municipal property appraisal records (CAMA) indicate 59,677 square foot lot.
- As-built survey by Stewart and Associates dated January 11, 2006 shows

Code provisions relevant to this determination are as follows:

AMC 21.40.080(F)(1)(a) requires

A minimum lot size of 54,450 square feet, and allows the inclusion of one-half of the abutting dedicated right-of-way and a 1% variation in lot size for the purpose of determining conformity.

AMC 21.40.080(G) requires

A front yard setback of 50 feet, a side yard setback of 25 feet, and a rear yard setback of 50 feet.

AMC 21.40.080(H) Maximum lot coverage states

"Maximum lot coverage by all buildings is 30 percent.

Community, Security, Prosperity

AMC 21.45.030 Building to have access states

"Every building shall be on a lot abutting on a public street with principal access to such street or with access to a private street approved by the fire department, public works department, traffic engineering department and department of community planning and development.

AMC 21.80.300(D) Design standards – Lot dimensions states

"The width of a lot shall be at least one-third the depth of the lot."

AMC 21.80.330(A) Design standards – Lot frontage and access states

"Except when platted under section 21.15.030.J or section 21.15.134, all lots shall have frontage on a publicly dedicated street."

The following conclusions are drawn from the above information:

In 1955 Alaska Territorial law was amended to require plats for two or more lots (§ 3, Ch. 95, SLA 1955.) Because the lot was created by warranty deed in 1972, the lot is considered an illegal subdivision of land. However, AMC 21.550.20 (B) allows for the legalization of lots created prior to September 16, 1975 if:

- An application for the registration of nonconforming lot is submitted to the Planning Department; and
- The lot is determined to be sufficient in size to allow construction of a structure and associated zoning district and supplementary district standards such as setbacks, parking; landscaping, useable yard area, etc. can be met.

The violation may be remedied by submitting an application for the registration of the lot to the Planning Department. For further information contact Jerry Weaver, Platting Official at 343-7931.

The lot has less than the minimum width required in the R-6 district. Since it was subdivided by warranty deed prior to zoning, the subject property is a Legal Nonconforming Lot of Record and is governed by AMC 21.55.020.

Per AMC 21.55.020.A the yard and lot coverage requirements are "those of the zone with the largest lot area requirement within which the lot would be conforming." The subject property would be conforming in the R-1A use district. Therefore, the following requirements apply to the subject property:

Front yard:	20 feet
Side yard:	5 feet
Rear yard:	10 feet
Lot coverage:	30% maximum

Pursuant to AMC 21.80.330 subject property does not have access to a public road. Please submit an access agreement on an approved municipal form. Please contact Jillanne Inglis at 343-8353 for further information.

Note: This determination is based on the information listed above, which was provided by the applicant or was in the files of the administrative official. If additional information