A L A S K A

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Recording Dist: 301 - Anchorage
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Verification of Nonconforming Status

ROOSEVELT PARK

Block 13 Lot 9

Plat P-57A

Anchorage Recording District, Anchorage, Alaska

010-202-01-000

2101 Roosevelt Drive, Anchorage

SW 1728

After recording return to:

Municipality of Anchorage, Planning Department
Land Use Review Section
4700 Elmore Road / P.O. Box 196650
Anchorage, Alaska 99519-6650

MUNICIPALITY OF ANCHORAGE

Planning Department
Current Planning Division

Phone: 907-343-7931
Fax: 907-343-7927

Acting Mayor Austin Quinn-Davidson

VERIFICATION OF NONCONFORMING STATUS

May 24, 2021

Aaron Slonecker
2101 Roosevelt Drive
Anchorage, Alaska 99517

Mr. Slonecker,

This document establishes the nonconforming status of the property described as: **Lot 9, Block 13, Roosevelt Park Subdivision**, Parcel ID: 010-202-01-000, Grid: SW 1728. Located in the Anchorage Recording District, Third Judicial District, State of Alaska.

This determination is based upon the 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:

July 27, 1947 Lot 9, Block 13, Roosevelt Park Subdivision was created by Plat P-57A.

1950's MOA GIS aerial photo shows a tree-covered vacant lot.

1960's MOA GIS aerial photo shows an unidentifiable structure on the lot.

1966 Municipality of Anchorage property appraisal record first shows a valuation for the structure.

1970's MOA GIS aerial photo clearly shows the house constructed on the lot.

June 17, 1971 the area was zoned R-2 (Two-family Residential) district.

March 26, 1985 the area was re-zoned to R-2M (Mixed Residential) district.

1980's - 2015 MOA GIS aerial photos show no significant changes to the lot or structure since the 1970's aerial photo.

An as-built survey signed **May 12, 2021**, by Elizabeth L. Walatka, a Registered State of Alaska Land Surveyor, shows a 1-story frame house 29.1 feet from the north side lot line, 12.3 feet from the secondary front lot line at Harding Drive, 18.7 feet from the primary

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front lot line at Roosevelt Drive, and 6.9 feet from the west side lot line. A paved driveway provides access from Roosevelt Drive. A chain link fence is in the Roosevelt Drive right-of-way and extends northward along the west lot line, eastward inside the north lot line, and southward along the lot line at Harding Drive. A walkway parallels the house along the south side from the asphalt driveway to intersect a walkway extending from the west side of the house to the fence line in the Roosevelt Drive right-of-way. A second walkway is at the northwest side of the house.

Municipal property appraisal records (CAMA) currently indicate the residential structure is an 824-square-foot ranch style dwelling built in 1957 with two entrance canopies measuring 39 square feet and 20 square feet, and a 432-square-foot attached garage. The site also has two storage sheds, one is 25 square feet, the other is 50 square feet.

The following conclusions are drawn from the established facts and findings:

Lot 9, Block 13, Roosevelt Park Subdivision has more than the minimum lot area and width required by the R-2M (Mixed Residential) District; therefore, **Lot 9 is a legal conforming lot of record.**

The house encroaches 1.3 feet into the required 20-foot primary front setback at Roosevelt Drive. The original structure was built on the lot in 1957, before the date of zoning in 1971; therefore, **the existing house encroaching 1.3 feet into the required primary front setback at Roosevelt Drive is a Legal Nonconforming Structure and is governed by AMC 21.13.040.**

A fence encroaches into the Roosevelt Drive right-of-way. Private improvements in a municipal right-of-way are governed by Title 24. Contact the Municipality of Anchorage Right-of-Way section at 343-8240 or visit their office at 4700 Elmore Road regarding the fence in the Roosevelt Drive right-of-way. **This letter does not grant permission for a private fence outside property boundaries.**

Anchorage Municipal Code of Ordinances, Title 21, effective January 1, 2014, as amended, and relevant to this determination are as follows:

AMC 21.05.070B.3. Dimensional Standards for Accessory Buildings and Structures

a. Same Lot

The accessory use or structure shall be conducted and/or located on the same lot as the principal use.

b. Location of Accessory Structures

No accessory structure shall be erected or maintained in any required setback, except that:

i. Buildings accessory to a residential use and allowed by this section 21.05.070 may be erected in a required side or rear setback that is adjacent to an alley;

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ii. Two sheds or greenhouses, each 150 square feet or less, a maximum of 12 feet in height, and not attached to a foundation, may be erected in a required side or rear setback; and

iii. Dog runs and dog houses not attached to a foundation may be erected in a required side or rear setback.

AMC 21.06.020A. Table of Dimensional Standards: R-2M (Mixed Residential) District

Minimum lot size and width requirements:

Lot size	6,000 square feet
Lot width	50 feet

Minimum setback requirements:

Front	20 feet
Side	5 feet
Rear	10 feet

Maximum lot coverage: 40 percent

AMC 21.06.030C.4.a. In the case of corner lots with two or more frontages and double-frontage lots, the director shall determine the setback requirements (except as provided in 4.b.) subject to the following limitations:

i. At least one front setback shall be provided having the full depth required generally in the district.

ii. No other front setback on such lot shall have less than half the depth required generally for front setbacks in the district.

iii. For residential lots of less than one acre in area and for non-residential lots, setbacks shall be consistent with surrounding properties, with more weight given to abutting properties oriented in the same pattern.

The minimum setback requirements applicable to the subject lot are:

Primary Front (Roosevelt Drive)	20 feet
Secondary Front (Harding Drive)	10 feet
Sides (north and west)	5 feet

AMC 21.13.060 Characteristics of Use

A. Developments Are Conforming

1. Development that was legally established before January 1, 2014 that does not comply with the district-specific standards of chapters 21.04, 21.09, and 21.10; the use-specific standards of chapters 21.05, 21.09, and 21.10; or the design and development standards of chapter 21.07 (except for section 21.07.020B., Stream, Water Body, and Wetland Protection) shall be considered conforming on January

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1, 2014, and subject to this section. The standards for development that do not conform to section 21.07.020B., Stream, Water Body, and Wetland Protection, are contained in 21.12.045., Nonconforming Encroachments into Watercourse, Water Body, and Wetland Setbacks.

2. No change shall be made to any development unless the change is in the direction of conformity to the requirements of this title.

This determination is based on the information listed above, which was provided by the applicant or was in the files of the department. If additional information is obtained, or the information provided above is later determined to be inaccurate or false, and materially changes the conclusion herein, the department may revise or revoke this determination.

Anchorage Municipal Code, Title 21, is available on the internet at www.municode.com.

Respectfully,

Sonnet Calhoun
Land Use Plan Reviewer
(907) 343-8332

Appeal: This determination may be appealed to the Zoning Board of Examiners and Appeals (ZBEA) in accordance with AMC 21.03.050B. The appeal may be brought by any party of interest for the application no later than 20 days after the date of service of the decision. The appeal fee is $1,130 and is required to be paid at the time the appeal is submitted. If the ZBEA fully overturns the decision of the director, then the fee will be returned. If the ZBEA overturns the decision of the director in part, then half of the fee will be returned. Please contact the Current Planning Section for more information.

Mailing Address: P.O. Box 196650 • Anchorage, Alaska 99519-6650 • http://www.muni.org

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