

Board of Zoning Adjustment

Staff Report

November 7, 2022



Case No: 22-VARIANCE-0134
Project Name: Greten Lane Fence Variance
Location: 2407 Greten Lane
Owner: Joseph John Magliocco
Applicant: Bill Wilkinson
Jurisdiction: Anchorage
Council District: 17 – Markus Winkler
Case Manager: Amy Brooks, Planner I

REQUESTS:

Variance from the Anchorage Development Code section 9.1.B.1.a to allow a fence to exceed 48 inches in height in the Front yard setback.

Location	Requirement	Request	Variance
Front Yard Fence Height	48 inches	54 inches to 104 inches	14 inches to 56 inches

CASE SUMMARY/BACKGROUND

The subject property is zoned R-E Residential Estate District in the Village Form District. It is on the east side of the 2400 block of Greten Lane in the City of Anchorage. The site currently has a two and a half story single-family residential structure. The applicant is proposing to construct a 4ft 4-board fence along the front with a 5'6" gate and 8" 8' stone pillars that includes 2'ft 6" light fixtures at the driveway entrance.

STAFF FINDINGS

Staff finds that the requested variance is adequately justified and meets the standard of review.

Based upon the information in the staff report, and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance established in Anchorage Development Code section 9.1.B.1.a to allow a fence to exceed 48 inches in height in the front yard setback.

TECHNICAL REVIEW

No technical review required.

INTERESTED PARTY COMMENTS

Applicant submitted a letter of support for the variance request from the City of Anchorage.

RELATED CASES

No

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 9.1.B.1.a

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare, because the structure must be constructed to comply with all building codes, including fire codes. The proposed fence will be set back 10 ft. from the property line and 30 ft. from the roadway and will not impact vision clearance.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity; there are similar fences and gates located in the 2400 block of Greten Lane.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public because the fence will be out of any applicable sight triangles and the applicant has documented support from both the Anchorage City Council and the City Zoning Officer.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations. Most of the structure will adhere to the zoning regulations of Section 9.1.B.1. that restricts fence height to a maximum of 48 inches in the required front yard setback. However, there are several fences in the area that have a combination of fence with decorative portions and gates that exceed the prescribed height maximum. In fact, these types of fences are common within the City of Anchorage and reflect the historic pattern of fences within the city's residential localities.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance does not arise from special circumstances which do not generally apply to the land in the general vicinity or the same zone because the lot is similar in size and shape to the surrounding properties.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would not create an unnecessary hardship on the applicant as the height of the fence could be reduced or the fence moved to meet the requirement.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variance and has not begun construction.

VARIANCE PLAN REQUIREMENT

In accordance with LDC Section 11.5B.1.C (Requirement to Follow Approved Plan), a variance shall be approved only on the basis of the plan approved by the Board and shall be valid only for the location and area shown on the approved plan. All construction and operations must be conducted in accordance with the approved plan and conditions attached to the variance.

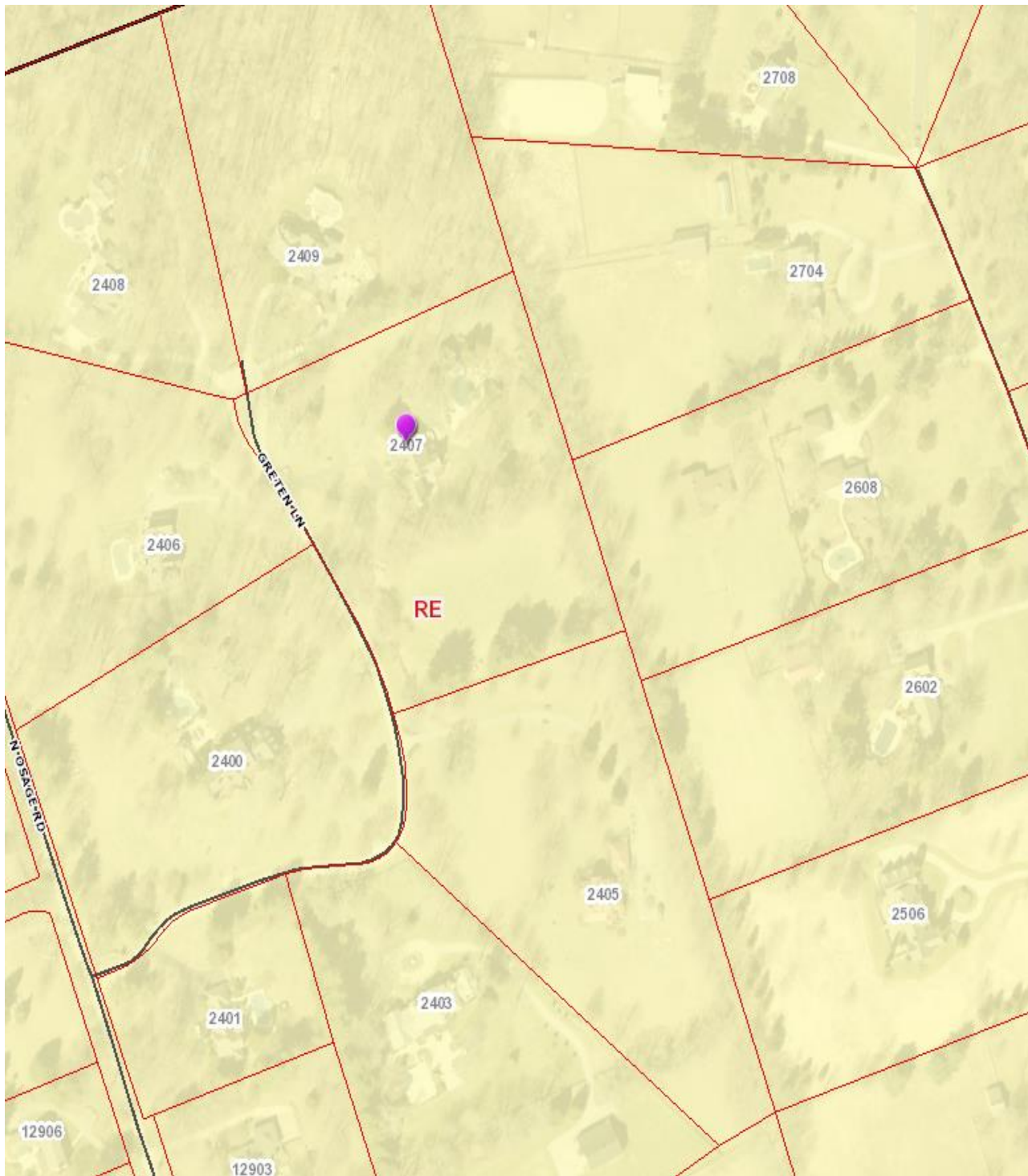
NOTIFICATION

Date	Purpose of Notice	Recipients
10/25/2022	Hearing before BOZA	1 st tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 17
10/24/2022	Hearing before BOZA	Notice posted on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Elevations
5. Site Photos

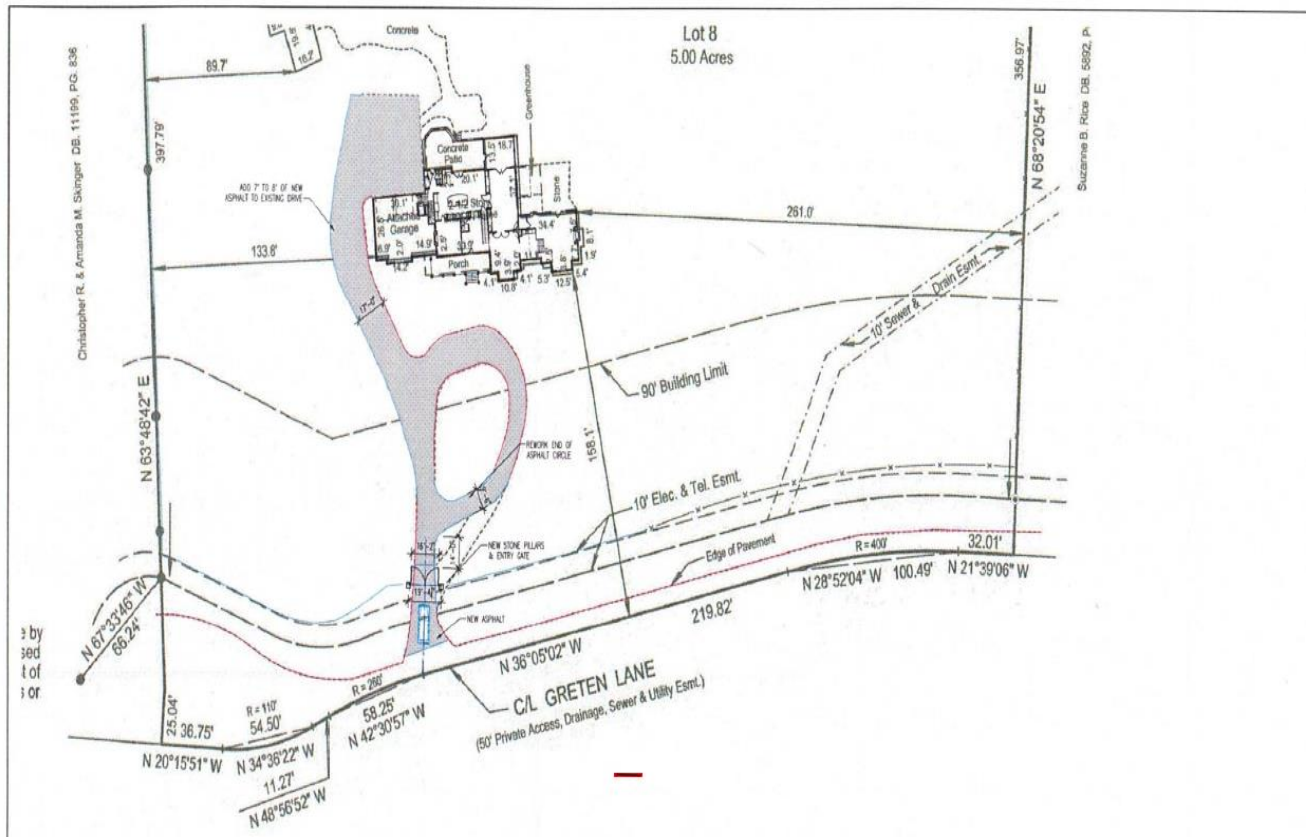
1. Zoning Map



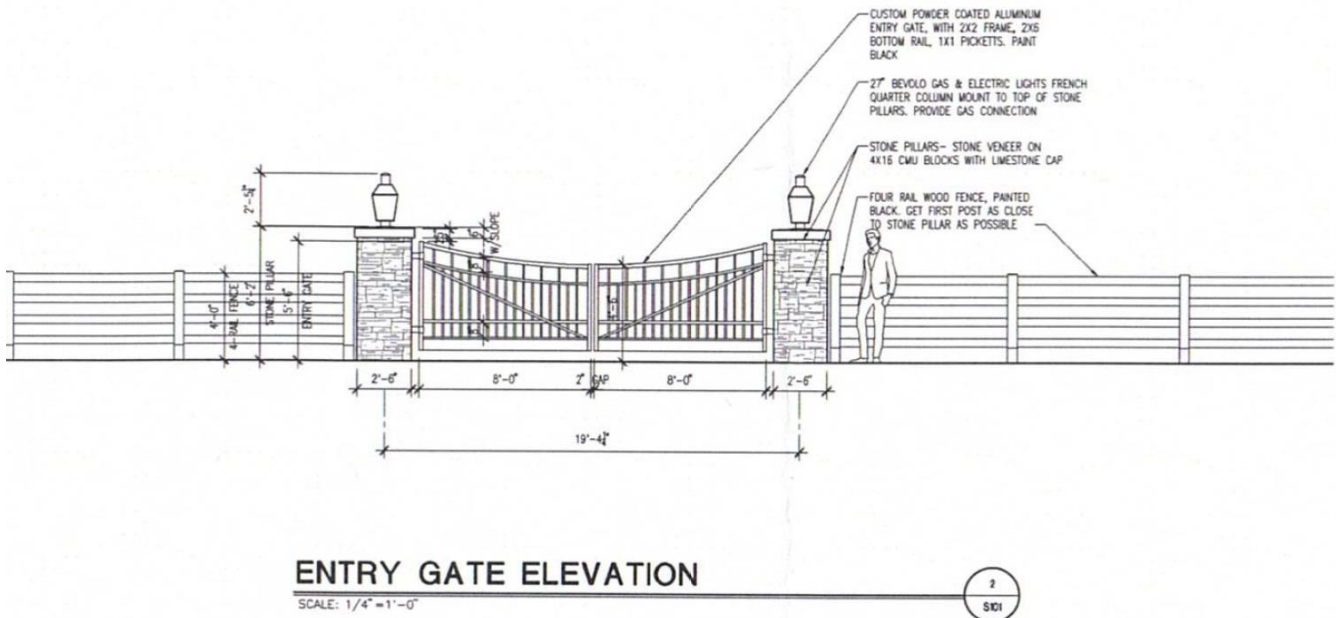
2. Aerial Photograph



3. Site Plan



4. Elevations



5. Site Photos



Front of subject property and variance area.



View of Driveway from Greten Lane.



View of variance area from subject property looking north.



Property to the right of subject property.



View of property across Greten Lane from subject property.



Property to the left of subject property.