

**Board of Zoning Adjustment**  
**Staff Report**  
 July 26, 2021



<b>Case No:</b>	21-VARIANCE-0077
<b>Project Name:</b>	E. Osage Road Variance
<b>Location:</b>	11801 E. Osage Road
<b>Owner:</b>	Jenna Wrinkles & Alexander Wrinkles Revocable Living Trusts
<b>Applicant:</b>	Alex Wrinkles
<b>Jurisdiction:</b>	City of Anchorage
<b>Council District:</b>	17 – Markus Winkler
<b>Case Manager:</b>	Zach Schwager, Planner I

**REQUESTS:**

**Variance** from City of Anchorage Development Code section 4.2.C.2.d to allow an addition to a principal structure to encroach into the rear yard setback.

Location	Requirement	Request	Variance
Rear Yard	50 ft.	35 ft. 8 in.	14 ft. 4 in.

**CASE SUMMARY/BACKGROUND**

The subject property is zoned R-E Residential Estate in the City of Anchorage. It is located on the north side of E. Osage Road in between Osage Circle and Stone Gate Road. The applicant is proposing an addition on the rear of the existing principal structure that would encroach into the rear yard setback.

**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 the City of Anchorage Development Code section 4.2.C.2.d to allow an addition to a principal structure to encroach into the rear yard setback.

**TECHNICAL REVIEW**

No technical review required.

**INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

**RELATED CASES**

B-18201-12 – Variance to allow existing accessory structures to encroach into setbacks.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 4.2.C.2.d**

- (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 proposed garage must be constructed to comply with all building codes, including fire codes.

- (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 as the proposed addition will be at the rear of the property and there are a variety of setbacks and shapes and sizes of surrounding properties.

- (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 structure must be constructed to comply with all building codes.

- (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 as there would still be ample space between the addition and the rear property line.

**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 generally apply to the land in the generally vicinity or the same zone as the existing structure is toward the rear of the property.

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 they could construct the addition to the west side, which would not require a variance.

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 has not started construction and is requesting the variance.

**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.

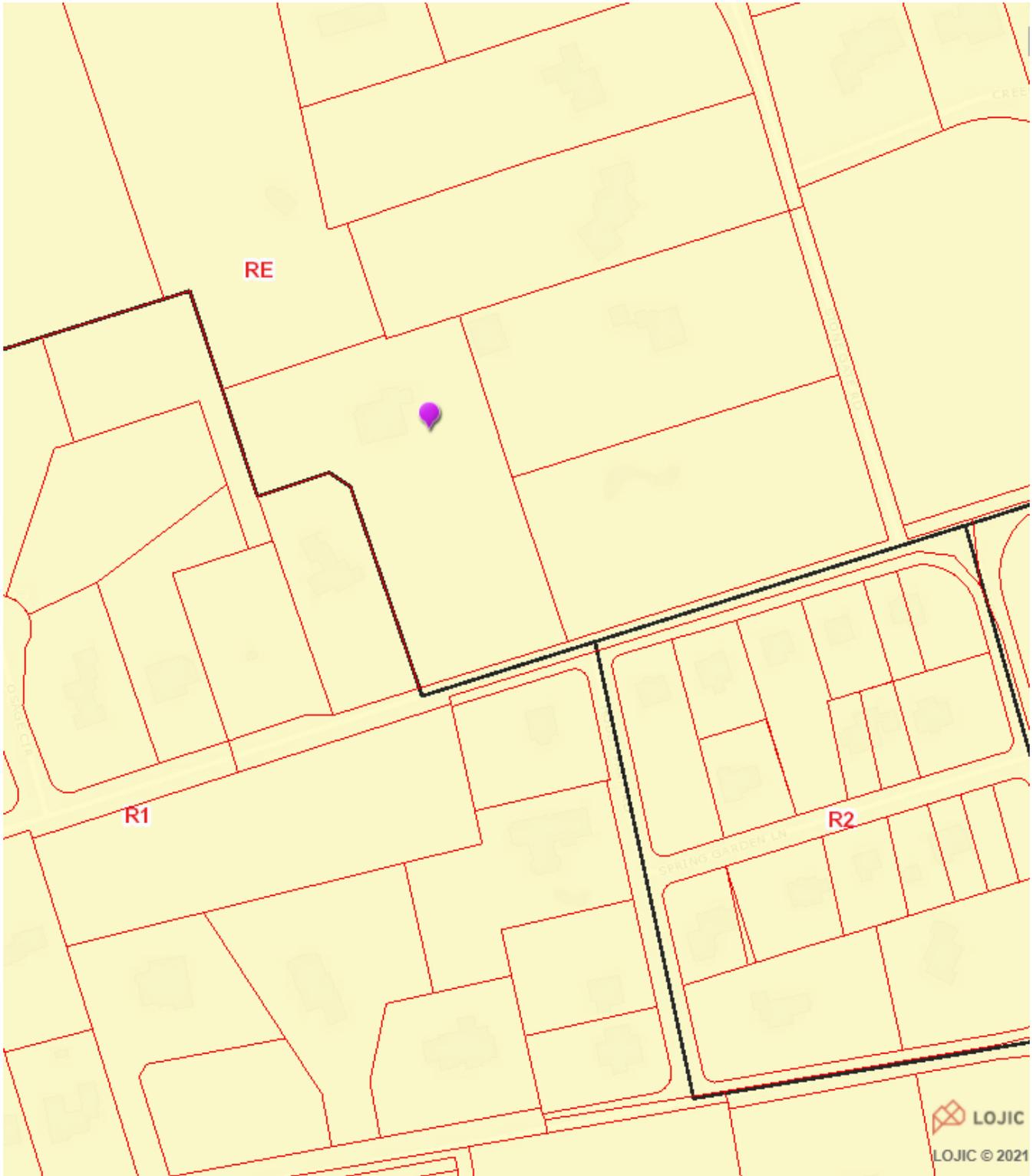
**NOTIFICATION**

Date	Purpose of Notice	Recipients
7/7/2021	Hearing before BOZA	1 <sup>st</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 17
7/14/2021	Hearing before BOZA	Notice posted on property

**ATTACHMENTS**

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

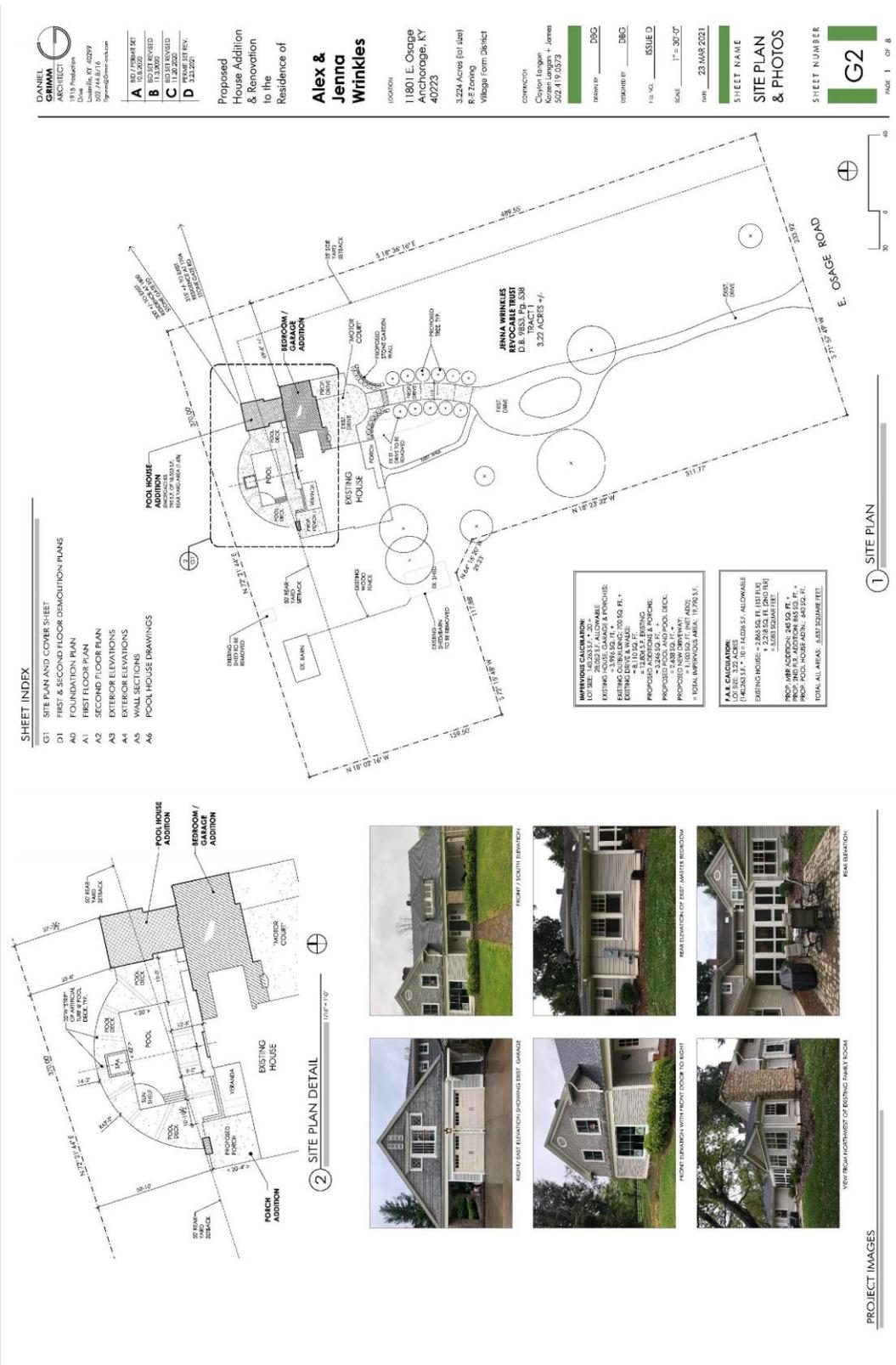
1. Zoning Map



2. Aerial Photograph



### 3. Site Plan



**4. Site Photos**



Front of subject property.



Property to the left.



Property to the right.



Location of proposed bedroom and garage addition.



Location of pool house addition.



Variance area.



Variance area.



View from rear property line.