



Fairbanks North Star Borough
Department of Community Planning
 907 Terminal Street/P.O. Box 71267
 Fairbanks, Alaska 99707-1267
 (907) 459-1260 Fax: (907) 205-5169
 planning@fnsb.us

For Office Use Only

Received By: _____

Receipt No.: _____

Date Submitted: _____

APPLICATION FOR AMNESTY RELIEF

File No. _____

Fee: \$50 Staff Decision, for a violation less than 50%

Fee: \$200 Hearing, for a violation of 50% - 75%

****FEES ARE NON-REFUNDABLE****

Amnesty Request For:		
Lot Size _____	Setback: _____	Building Height: _____
Other (please specify): _____		

Applicant ¹		¹ FNSBC18.116.040(A) The 'applicant' for this application and affidavit shall be: <ul style="list-style-type: none"> • The owner of the property, or • The contract purchaser, or • The holder of an option to purchase the property, or • Such persons that possess a substantial proprietary interest in the property. If 'applicant' is not the owner, the written consent of the owner is required; if there is more than one property owner, the written consent of all property owners shall be provided (e.g. letter signed by all property owners).
Contact Name:		
Business Name:		
Mailing Address:		
City, State Zip:		
Phone:	Cell:	
E-mail:		

Property Information:	
Property Description (Subdivision/TL-Block #-Lot#):	
Street Address:	Existing Use(s):
Parcel Account Numbers (PAN):	Zoning District:
Date lot/structure was created:	Size of lot:
Briefly describe non-conformity as it relates to lot size/structure:	

I certify that the information included in this application is to the best of my knowledge true and correct.

APPLICANT SIGNATURE: _____ **DATE:** _____

Please send my Notice of Decision to the following additional recipients by email:

What is an amnesty relief?
 If a building or lot is granted amnesty relief, it may continue and not be subject to any enforcement action under FNSB zoning code (Title 18).

AMNESTY RELIEF APPLICATION SUBMITTALS

A. If your Grandfather Rights application was denied or you know that your violation does not qualify for Grandfather Rights, you may apply for Amnesty Relief. For a complete Amnesty Relief application, the applicant must complete and sign the *Amnesty Relief Affidavit* form included in this application packet, attesting that the violation:

- Does not qualify for legal nonconforming status (Grandfather Rights);
- Existed as of July 21, 2010;
- Was not intentional or willful**;
- Does not pose a danger to the public health, safety and welfare of Borough residents;
- Is not greater than 75% of the required setback and will not result in a setback of less than 5 feet; or is not greater than 75% of the required (lot) area; and
- The building or lot complies with all other FNSBC platting and zoning requirements, including use.

** A violation is not intentional or willful if it is based on a good faith error of law or fact. Violations that are less than 50% of the required size, area or distance are presumed to be in good faith and can be processed by staff without an administrative hearing.

B. For structure cases, attach a mortgage location survey or a *site plan drawn to scale* that includes:

- a. Scale at which site plan is drawn (for example 1"= 20')
- b. North arrow
- c. All property lines and their dimensions
- d. Location, type (i.e. house, garage, shop, shed, carport etc.) and dimensions of all existing structures. Label all structures and additions with the date of construction
- e. Location, type and dimensions of any proposed structures and/or additions
- f. Setback distances of all existing and proposed structures and/or additions from all property lines, except in General Use (GU) zones
- g. Names of adjacent roads
- h. Existing and/or proposed driveways
- i. Floor plan, if applicable to the non-conforming structure

Items which may accompany the Amnesty Relief application can include, but are not limited to:

- | | |
|--|--|
| <input type="checkbox"/> Power of Attorney Documentation | <input type="checkbox"/> Utility Bills |
| <input type="checkbox"/> FNSB Assessing Department Records | <input type="checkbox"/> Plats |
| <input type="checkbox"/> Certified Plot Plans | <input type="checkbox"/> Building Permits |
| <input type="checkbox"/> Deeds | <input type="checkbox"/> Photographs, Imagery |
| <input type="checkbox"/> Receipts, (i.e. Construction, Rental Records, Retail Sales, etc.) | <input type="checkbox"/> Other Records and Documentation |

Applicant Signature and Date

(Name and Address of Applicant)

SUBSCRIBED AND SWORN TO BEFORE ME at Fairbanks, AK on this _____ day of _____, 20_____

Notary Public in and for Alaska

Commission Expires

Date Received: _____ Received By: _____

Fairbanks North Star Borough

Applicant Signature and Date

(Name and Address of Applicant)

SUBSCRIBED AND SWORN TO BEFORE ME at Fairbanks, AK on this _____ day of _____, 20_____

Notary Public in and for Alaska

Commission Expires

Date Received: _____ Received By: _____

Fairbanks North Star Borough

PROCESS

1. It is recommended that all persons considering submitting an Amnesty Relief application consult with the Department of Community Planning.
2. The Department of Community will provide the application. The application must address the eligibility criteria for amnesty relief listed in FNSBC 18.116.030. This information shall be in the form of a written narrative. Pictures, Assessor's records, and any other evidence may accompany the application. **This application form is applicable only for those properties that have already filed for and been denied grandfather rights for the same violation for which amnesty relief is sought.**
3. Upon the submittal of the application, staff will review the application and any accompanying information for compliance with Chapter 18.116.
4. Amnesty Relief applications will be processed based upon a schedule of application deadlines set by the Department of Community Planning. There will be at least two administrative hearings scheduled each month at which Amnesty Relief applications can be heard.
5. Violations that are less than 50% of the required size, area or distance are presumed to be in good faith and can be processed by staff without an administrative hearing pursuant to FNSBC 18.116.030. Amnesty Relief determination by staff shall be issued within 10 business days after determination of a complete application.
6. The administrative hearing date will be scheduled once the application is deemed complete.
7. Notice of the request and the time and place of the administrative hearing will be published in the *Daily News-Miner* at least 10 days prior to the date of the hearing. Notice of the administrative hearing will also be mailed to adjacent property owners according to the requirements outlined in FNSBC 18.104.010(C)(1) and (2).
8. A hearing officer will conduct an administrative hearing and take into consideration the evidence, the recommendation from staff, testimony from the applicant and any other interested party.
9. The hearing officer will make a final determination of Amnesty Relief based on substantial evidence in the record and will support the decision with specific findings of fact.
10. The applicant or any aggrieved person, as defined by FNSBC 18.104.070(A)(4), may appeal the hearing officer's decision to the Board of Adjustment by filing a notice of appeal with the Community Planning Department within 15 days after the hearing officer's Notice of Decision was mailed.