



Fairbanks North Star Borough
Department of Community Planning
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 Fairbanks, Alaska 99707-1267
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 planning@fnsb.us

For Office Use Only
 Received By: _____
 Receipt No.: _____
 Date Submitted: _____

**APPLICATION FOR AFFIRMATIVE
 RECOGNITION OF GRANDFATHER RIGHTS
 STRUCTURE/SETBACK**

File No. _____ Fee: \$50

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

Applicant¹		¹ FNSBC18.108.030(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 structure was built:	
Date and extent of any additions/reconstruction:	
Briefly describe non-conformity as it relates to structure/setback(s):	

If grandfather rights for the structure are not affirmed, I am requesting consideration of Amnesty Relief (if I qualify under the FNSBC 18.116.030 eligibility criteria) and I agree to pay the fee of additional \$50 (staff decision) or \$200 (Administrative Hearing) as applicable.

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 a legal nonconforming structure?

A structure has legal nonconforming status (grandfather rights) for a smaller setback than required by zoning or for a basement in the GWP overlay if it was built lawfully before the zoning change that made it nonconforming.

GRANDFATHER RIGHTS APPLICATION SUBMITTALS

1. Completed application for affirmative recognition of grandfather rights structure
2. Sign the *Affirmative Recognition of Grandfather Rights Affidavit* form included in this application packet.
3. 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

AMNESTY RELIEF APPLICATION SUBMITTALS (if applicable)

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.

Items which may accompany either the Grandfather Rights and/or 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 |

**AFFIRMATIVE RECOGNITION OF
GRANDFATHER RIGHTS AFFIDAVIT
STRUCTURE**

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

I, _____ (applicant) being duly sworn, under penalty of perjury, depose and state that:

1. I have submitted the attached application for Affirmative Recognition of Grandfather Rights (File # _____) for a nonconforming structure.
2. I affirm that the nonconforming structure lawfully existed prior to the date of the zoning change that caused the nonconformance.
3. The information submitted in this application and supporting materials is, to the best of my knowledge, true and complete.
4. I understand that the determination is appealable to the Planning Commission in accordance with 18.108.030 (C).

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

AMNESTY RELIEF AFFIDAVIT
STRUCTURE

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

I, _____ (applicant) being duly sworn, under penalty of perjury, depose and state that:

1. I have submitted the attached application for Amnesty Relief (File # _____) for a nonconforming structure.

2. I affirm that I have personal knowledge that the violation does not qualify for legal nonconforming status (Grandfather Rights) because of the following facts:

(e.g. grandfather rights denied, violation created after the zoning changed, etc.)

3. I affirm that the violation existed as of July 21, 2010.

4. I affirm that the violation is not greater than 75 percent of the required setback and does not result in a setback of less than five feet.

5. I affirm that the violation was based on a good faith error of law or fact because

(e.g. miscalculation in dimension when the structure was built, etc.)

6. I affirm that the violation does not pose a danger to the public health, safety and welfare of borough residents because

(e.g. protects fire safety, does not obstruct the view of motorists/pedestrians etc.)

7. The information submitted in this application and supporting materials is, to the best of my knowledge, true and complete.

8. I understand that the decision is appealable in accordance with 18.116.040(C).

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