



Fairbanks North Star Borough Department of Community Planning

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Affirmative Recognition of Grandfather Rights Application File No. _____

Application is for *Grandfathered* *Lot* *Use* *Structure*

Property Owner:	Owner's Representative (if any):
Name:	Name:
Mailing Address:	Mailing Address:
Phone:	Phone:
Fax:	Fax:
E-mail:	E-mail:

Property Information:	
Legal Description:	
Street Address:	Size: <input type="checkbox"/> acres <input type="checkbox"/> square feet
Parcel Account Numbers (PAN):	
Existing Zone:	Existing Use:
Briefly describe nonconformity as you understand it:	
<u>For Nonconforming Use:</u> Date started, if known:	<u>For Nonconforming Structure:</u> Date Built and/or modified, if known:
<u>For Nonconforming Lot:</u> Date created, if known:	

I hereby certify that (I am) (I am authorized to act for) the owner of the property.

APPLICANT SIGNATURE: _____ **DATE:** _____
OWNER SIGNATURE (if different): _____ **DATE:** _____

<i>Date;</i>	<i>Received By:</i>	<i>Administrative Hearing Date:</i>	<i>Determination Date</i>

SUBMITTALS

Items which may be used to accompany the application can include, but are not limited to:

- | | |
|--|---|
| <input type="checkbox"/> FNSB Assessing Department Records | <input type="checkbox"/> Utility Bills |
| <input type="checkbox"/> Certified Plot Plans | <input type="checkbox"/> Affidavits |
| <input type="checkbox"/> Deeds | <input type="checkbox"/> Building Permits |
| <input type="checkbox"/> Receipts, i.e. rental, retail sales, etc. | <input type="checkbox"/> Photographs, imagery |

The following submittals are required to describe the nonconforming building(s), structure(s), use(s) or lot(s):

NONCONFORMING USE:

- ❶ Attach a *written narrative* that may address any of the following:
 - When did the use begin?
 - Has the use ever changed? If so, from what to what and when?
 - Has the use ever been discontinued? If so, when and for how long?
 - Has the use increased or expanded? If so, when and for how long?
 - Have any modifications or alterations been made on the property to accommodate the use? If so, when and what?
- ❷ Attach a *site plan* **drawn to scale** that depicts the subject property, including its dimensions and the location and size of all existing buildings and structures.
- ❸ Sign the *Affirmative Recognition of Grandfather Rights Affidavit* form included in this application packet.

NONCONFORMING STRUCTURE:

- ❶ Attach a *written narrative* that may address any of the following:
 - When was the structure built?
 - Following initial construction, was an addition ever added? If so, when and where?
 - Was the structure ever damaged? If so, when and to what extent? How long before rebuild or repairs?
 - What is the current use of the structure? Has the structure always been used in this manner?
- ❷ Attach a *site plan* **drawn to scale** that depicts the subject property, including its dimensions and the location and size of all existing buildings and structures. (See document labeled "Site Plans")
- ❸ Sign the *Affirmative Recognition of Grandfather Rights Affidavit* form included in this application packet.

NONCONFORMING LOT:

- ❶ Attach a *written narrative* that:
 - Indicates when lot was created or subdivided;
 - Shows when the plat or deed was recorded that created the lot.
- ❷ Sign the *Affirmative Recognition of Grandfather Rights Affidavit* form included in this application packet.

AFFIRMATIVE RECOGNITION OF GRANDFATHER RIGHTS AFFIDAVIT

Instructions:
1. Return this affidavit to the Department of Community Planning with the Affirmative Recognition of Grandfather Rights application and any supporting documentation you may wish to include.
2. This affidavit must be notarized. The Borough has notaries on staff or you may use your own notary.

STATE OF ALASKA)
) ss.
FOURTH JUDICIAL DISTRICT)

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

- 1. I have submitted the attached application for Affirmative Recognition of Grandfather Rights (GR_____) for a nonconforming _____.
- 2. The information submitted in this application and supporting materials is, to the best of my knowledge, true and complete.
- 3. I have first-hand knowledge that this property has Grandfather Rights, specifically:

_____.
- 4. I understand that the decision is appealable in accordance with 18.56.025 C
- 5. I understand Grandfather Rights, if affirmed, are subject to restrictions outlined in 18.56.

Signature

(name and Address of Affiant)

SUBSCRIBED AND SWORN TO BEFORE ME 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 Affirmative Recognition of Grandfather Rights application consult with the Department of Community Planning.
2. The Department of Community will provide the application and affidavit form. The application must include a written positive assertion that any building(s), structure(s), use(s) or lot(s) existed prior to the date of a rezone or ordinance amendment that led to the nonconformity. This positive assertion can be in the form of a written narrative, which explains in as much detail as is known, when the nonconformity was established, whether there have been any enlargements or alterations done after it became nonconforming and any other information relevant to the request. Pictures, statements of support and any other evidence may accompany the application.
3. The application must include the notarized affidavit. The Department of Community Planning has notaries on staff and will be available to notarize the affidavit, or the applicant may use their own notary.
4. Affirmative Recognition of Grandfather Rights applications will be processed based upon a schedule of application deadlines set by the Department of Community Planning. There will be at least two Affirmative Recognition of Grandfather Rights administrative hearings scheduled each month.
5. Upon the submittal of the application, staff will review the application and any accompanying information for compliance with Chapter 18.56.
6. The administrative hearing date and place and the final determination date will be set once the application is submitted.
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 18.54.010 B. 1 and 2.
8. Affirmative Recognition of Grandfather Rights for lot size does not require an administrative hearing. However, an application, an affidavit and final determination are required.
9. Prior to the date of the administrative hearing, the Department of Community Planning staff will prepare a staff report and make a recommendation to the hearing officer.
10. A hearing officer will hold an administrative hearing and take into consideration comments from staff, verbal testimony from the applicant and any other persons wishing to comment on the request. Individuals may submit comments in writing prior to the administrative hearing. All persons submitting verbal comments at the hearing will be administered an oath, swearing or affirming that all comments will be, to the best of their knowledge, true and accurate.
11. The hearing officer will make a final determination of grandfather rights based on substantial evidence in the record and will be supported by specific findings of fact.
12. The final determination of grandfather rights may be appealed in accordance with the requirements outlined in FNSBC 18.56.025 C.