



Fairbanks North Star Borough Department of Community Planning

P.O. Box 71267
Fairbanks, Alaska 99707-1267
(907) 459-1260 Fax: (907) 459-1255
planning@co.fairbanks.ak.us

GRANDFATHER RIGHTS APPLICATION

File No. _____

Application is for *Nonconforming* 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:	<u>For Nonconforming Structure:</u> Date Built or and/of Additions:
<u>For Nonconforming Lot:</u> Date created:	

I hereby certify that (I am) (I am authorized to act for) the owner of the property. I understand that payment of the application fee helps to cover the costs associated with processing this application, and that payment of the fee does not assure approval of the application.

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

Received By:	Date:	Fee Application:	Receipt No Application:	Determination Due Date:
		Fee Sign: \$150.00	Receipt No Sign:	

SUBMITTALS

Your application will not be assigned a Grandfather Rights Determination Due Date until these items have been submitted and accepted as satisfactory. **The burden of proof establishing Grandfather Rights is on the property owner or applicant.**

Items which may be used as proof (items must be dated) include but are not limited to:

- | | |
|--|---|
| <input type="checkbox"/> FNSB Assessing Department Field Cards | <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:

NONCONFORMING USE:

- ① Attach a *written narrative* that addresses and definitively answers the following (attach proof):
 - 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?
- ② 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")
- ③ Sign the *Validity of Information / Appeal Rights Affidavit* form included in this application packet.

NONCONFORMING STRUCTURE:

- ① Attach a *written narrative* that addresses and definitively answers the following (attach proof):
 - 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?
- ② 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")
- ③ Sign the *Validity of Information / Appeal Rights Affidavit* form included in this application packet.

NONCONFORMING LOT:

- ① Attach a *written narrative* that:
 - Indicates when lot was created or subdivided and what property it was subdivided from and how.
 - Shows the lot was created and RECORDED prior to the date of zoning.
- ② Sign the *Validity of Information / Appeal Rights Affidavit* form included in this application packet.

PROCESS

1. Applications will be accepted on existing public hearing deadlines (every other Friday).
 - a. At the time of submittal the determination due date will be the public hearing date for the deadline date (approximately 30 days later).
 - b. Signs must be posted within 20 days of the determination date (as shown on the calendar).
 - c. Notices must be mailed to surrounding property owners (in line with dates on calendar). Notices shall include the determination date and the notice of appeal within 15 days of said date.
2. Once an application has been determined to be for approval, the applicant shall be contacted to record the Validity of Information / Appeal Rights Affidavit, a copy of which must be returned to this Department for inclusion in the file.
3. Letters of Determination shall be mailed certified mail on the date the determination is due, either approved or denied. If in the affirmative the letter will not be released until a copy of the recorded affidavit has been returned.

GFR DETERMINATION WORKSHEET – OFFICE USE ONLY

Zoning History Attach Copies	From Zone:	To Zone:	Date:	RZ No.:	Ord No.	Microfilm roll/frame:
	From Zone:	To Zone:	Date:	RZ No.:	Ord No.	Microfilm roll/frame:
	From Zone:	To Zone:	Date:	RZ No.:	Ord No.	Microfilm roll/frame:
Zoning Ordinance Amendments & Copies						
Plat Numbers						
Other						
Other						

Burden of Proof:

The following submittals were reviewed and found acceptable to meet the burden of proof (copies attached):

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

Grandfather Rights Determination:

APPROVAL

DENIAL

Validity of Information & Appeal Rights Affidavit Recorded:

Yes

No (letter will be held)

(recorded copy must be returned prior to release of letter)

Zoning Official: _____ DATE: _____

Certified Letter Number: _____ Mailed: _____

(Must be signed by or on behalf of Director)

(Date)

Name
Address
City, State Zip

RE: Nonconforming (Grandfathered) Uses and Lots, Title 18 Chapter 18.56

Property Description:

Zone: File No: Pan No.

Dear

The Fairbanks North Star Borough, Department of Community Planning has determined that (property description) has "Grandfather Rights" under Chapter 18.56.000 Nonconforming (Grandfathered) Uses and Lots.

The above referenced lot was rezoned from (zone) to (zone) on (date). Therefore, the (use, lot, structure) which existed prior to the (zone) zoning may be continued even though it does not conform to the (standard) established by the (zone) zone (subject to limitations outlined in 18.56. and affirmed in affidavit recorded _____ date).

This letter does not grant or provide any variances or exceptions to any other Fairbanks North Star Borough or state regulations, building codes, ordinances or statutes. The issuance of this letter is an administrative decision and is appealable to the Fairbanks North Star Borough Board of Adjustment within 15 days of the date of issuance.

If you have any further questions regarding this matter, please contact me at the Fairbanks North Star Borough, Department of Community Planning located at 809 Pioneer Road or call 459-1260.

Sincerely,

(Planner)
(Title)

For

Bernardo Hernandez
Director