

**Fairbanks North Star Borough  
Department of Community Planning**

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For Office Use Only	
Received By:	_____
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Date Submitted:	_____

**APPEAL APPLICATION**

File No. \_\_\_\_\_

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

FEES:  \$400 application

Appellant:	
Name: _____	
Mailing Address: _____	
Phone: _____	Cell: _____
E-mail: _____	
Appellant is:	
<input type="checkbox"/> The property owner or applicant from the decision being appealed <input type="checkbox"/> An interested person or a person aggrieved <input type="checkbox"/> A member of the public appealing a trail dedication <input type="checkbox"/> A representative (e.g. an attorney) of one of the above parties (please indicate which category of party you represent; include your name and contact information) _____	

**APPEAL TYPE:**

- |   |  |
|---|--|
| <input type="checkbox"/> Title 18 Administrative Variance           | <input type="checkbox"/> Quick Plat                    |
| <input type="checkbox"/> Amnesty Relief                             | <input type="checkbox"/> Preliminary Plat              |
| <input type="checkbox"/> Legal Non-Conforming (Grandfather Rights)  | <input type="checkbox"/> Title 17 Variance             |
| <input type="checkbox"/> Title 15 Floodplain Management Regulations | <input type="checkbox"/> Trail Dedication              |
| <input type="checkbox"/> Other: _____                               | <input type="checkbox"/> Street Naming of Public Roads |

Appeal Information:	
Case Number Being Appealed: _____	Date of Decision's Mailing for Case Being Appealed: _____
<i>Specific Grounds or Reasons for Appeal (attach additional sheets as needed):</i>  _____	
<i>Cite Title 15 (Floodplain), Title 17 (Subdivisions) or Title 18 (Zoning) Provisions to Support Appeal (attach additional sheets as needed):</i>  _____	

APPELLANT SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**Fairbanks North Star Borough is subject to the Alaska Public Records Act, AS 40.25 et seq. and this document may be subject to public disclosure under state law.**

## **TITLE 15 (FLOODPLAIN) APPEAL PROVISIONS (FNSBC 15.04)**

*Pertinent sections of Title 15 governing appeals include, but are not limited to:*

### **15.04.080 Appeals.**

The commission shall consider and decide appeals where it is alleged there is error in any order, requirement, condition, decision or determination made by the director regarding approval or denial of a floodplain permit or certificate of compliance.

- A. The appellant shall file an appeal with the commission clerk within 10 calendar days after the director's decision. The appellant shall include their name or names, their interest in the matter, their address, and which order, requirement, condition, decision or determination made is being appealed.
- B. The commission may reverse or affirm, wholly or in part, or modify the order, requirement, condition, decision or determination under appeal, so long as such action is in conformity with this chapter. The commission shall make its decision in writing, setting forth its findings of fact, reasons for its decisions and corrective actions to be taken, if necessary.
- C. Appeals from the commission decisions are made to the Assembly using the appeal process as required in FNSBC 4.24.030(C) through (L).
- D. Either the appellant or appellee may appeal the Assembly's decision to Superior Court. Appeals may be made in accordance with the Alaska Rules of Civil Procedure. (Ord. 2009-55 § 2, 2010; Ord. 92-001 § 3, 1992; Ord. 86-019 § 4, 1986; Ord. 85-124 § 3, 1985. 2004 Code § 15.04.060.)

## **TITLE 17 (SUBDIVISIONS) APPEAL PROVISIONS (FNSBC 17.68)**

*Pertinent sections of Title 17 governing appeals include, but are not limited to:*

### **17.68.010 Appeals from platting board to planning commission.**

Except for a final plat and action on a vacation application, any party or interested person who participated in the hearing before the platting board may appeal a decision of the platting board to the planning commission by submitting a written notice of appeal with the platting officer within seven days of the date of the decision. Members of the public may appeal the platting board's application of this title's requirements concerning the dedication or realignment of trails. (Ord. 2013-50 § 10, 2013; Ord. 2012-33 § 2, 2012; Ord. 2005-10 § 2, 2005)

### **17.68.020 Notice of appeal.**

- A. A notice of appeal submitted pursuant to this title must be in writing and contain the following information:
  1. Names and addresses of the appellant(s);
  2. Platting serial case file number or other identification of the matter from which the appeal is taken;
  3. Date and identity of the specific action or decision from which the appeal is taken;
  4. Specific grounds or reasons for the appeal, with reference to all FNSBC Title 17 provisions upon which the appellant relies. Appeals are limited to allegations of error arising from the platting board's interpretation, application or failure to apply the requirements of this title and unless based on changed circumstances or new evidence which with due diligence could not have been discovered for presentation to the platting board, must be based on facts or arguments raised below.
- B. A notice of appeal shall be accompanied by the appropriate fee for appeals from the platting board.
- C. This fee is refundable to a successful appellant.
- D. An appeal may be accepted by the planning commission only if it complies with the requirements of this chapter.
- E. After acceptance of an appeal, notice of the appeal must be sent to all parties and "interested persons" who participated in the hearing before the platting board notifying them of the right to request participation in the appeal on or before the deadline established by the chair or by the rules of the commission. (Ord. 2013-50 § 11, 2013; Ord. 2005-10 § 2, 2005)

### **17.68.030 Decision on appeal.**

The decision of the planning commission on an appeal under this chapter shall be as a resolution expressing specific findings of fact and reasons why the action was taken, including reference specifically to the record upon which any disputed questions of fact have been resolved and provisions of code or statute which support such findings. (Ord. 2005-10 § 2, 2005)

## **TITLE 18 (ADMINISTRATIVE VARIANCE) APPEAL PROVISIONS (FNSBC 18.104.060, FNSBC 18.104.090)**

*Pertinent sections of Title 18 governing appeals include, but are not limited to:*

### **18.104.060 Procedures for variances.**

E.4. An administrative yard setback variance decision by the planning director or designee may be appealed by any aggrieved person, as defined in FNSBC 18.104.090(A)(4), to the planning commission by filing a notice of appeal with the community planning department within 15 days after the final decision was mailed. The appeal shall be

heard de novo by the planning commission. The planning commission's decision may be appealed by a party to the board of adjustment. (Ord. 2015-07 § 2, 2015; Ord. 2014-43 §§ 6, 7, 2014; Ord. 88-010 § 2, 1988)

**18.104.090 Appeals.**

A.4. ...To be considered a "person aggrieved," the person must present proof of the adverse effect the decision has or could have on the use, enjoyment, or value of his own property. The decision appealed from must personally affect a matter in which the person has a specific interest or property right in a way different from that of the general public. A request for variance from the terms of the land use regulations may be appealed when literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the district.

**TITLE 18 (AFFIRMATIVE RECOGNITION OF GRANDFATHER RIGHTS) APPEAL PROVISIONS (FNSBC 18.108.030)**

*Pertinent sections of Title 18 governing appeals include, but are not limited to:*

**18.108.030(C) Affirmative Recognition of Grandfather Rights.**

C. Within 15 days of the hearing the department shall issue an administrative determination of the grandfather rights. If no hearing is required the administrative determination shall be issued within 10 working days of the application. Administrative determinations granting structural-related grandfather rights without a hearing must be mailed to the applicant and owners of nearby lots or land as set forth in FNSBC 18.104.010(C)(2). Administrative determinations may be appealed within 15 days of the date the determination was mailed. The appeal shall be heard de novo by the Planning Commission. The Planning Commission shall uphold or reverse the determination and adopt specific findings of fact after considering the oral and written statements of the applicant, interested persons, and the department of community planning.