



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: _____
 Date Submitted: _____

APPLICATION FOR AMNESTY RELIEF

File No. _____ Fee: \$50 Staff Decision (for a violation less than 50%)
 \$200 Hearing (for a violation of 50% – 75%)

The subject property has been denied Grandfather Rights for the above requested Amnesty Relief:
 No Yes Case File #: _____

Amnesty Request For:

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

Applicant:		Property Owner:
Contact Name:		Name:
Business Name:		Mailing Address:
Mailing Address:		City, State Zip:
City, State Zip:		Phone:
Phone:	Cell:	Cell:
E-mail:		E-mail:

Property Information:

Property Description: _____

Street Address: _____ Existing Use(s): _____

Parcel Account Numbers (PAN): _____ Zoning District: _____

Date structure(s) was constructed, if known: _____ Date lot was created: _____ Size of lot: _____

Briefly describe non-conformity as it relates to structure/setback(s): _____

I certify that the information included in this application is to the best of my knowledge true and complete. I understand the determination is appealable to the Planning Commission. The Planning Commission's decision is then appealable to the Board of Adjustment.

APPLICANT SIGNATURE: _____ **DATE:** _____

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

If the applicant is not the sole property owner, written consent of all property owners must be provided pursuant to FNSBC 18.116.040(A).

Please send my Notice of Decision by the following: mail email

AMNESTY RELIEF

For a complete Amnesty Relief application, the applicant must provide:

1. The letter denying Grandfather Rights or the Case File Number
2. A written narrative explaining in detail how all of the amnesty relief criteria in FNSBC 18.116.030 are met for the violation, including:

FNSBC 18.116.030

The Violation:

- Existed as of July 21, 2010; and
- Was not intentional or willful**; and
- Does not pose a danger to the public health, safety and welfare of Borough residents; and
- 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.

**** 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.**

3. For non-conforming structures and uses provide a mortgage location survey or a *site plan* **drawn to scale** that depicts the subject property, including:
 - 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 the General Use (GU) zones
 - g. Names of adjacent roads
 - h. Existing and/or proposed driveways
 - i. Floor plan, if applicable to the non-conforming use or structure
4. If Amnesty Relief is being sought, provide an Amnesty Relief Affidavit.

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"/> Affidavits |
| <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 |

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 Planning 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.

AMNESTY RELIEF AFFIDAVIT

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 Amnesty Relief (AM_____) for a nonconforming building or lot.
- 2. The information submitted in this application and supporting materials is, to the best of my knowledge, true and complete.
- 3. I affirm that the violation for which I seek affirmative recognition of amnesty meets the requirements of Title 18.116.
- 4. I understand that the decision is appealable in accordance with 18.116.040 C

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

