

FNSB ADMINISTRATIVE HEARING

April 4, 2019 10:30 AM

ACTION MEMO

APPLICATIONS

Preliminary Applications

1. **SD025-19 Sattley Subdivision** A request by 3 Tier-Alaska, LLC, on behalf of Guy Sattley, to subdivide the remainder parcel of subdivision waiver WV049-81, a total of approximately 15.7 acres, into two lots of 1.9 and 13.8 acres. The property is located within the N½ NW¼ Section 15, T1N R1E, FM (located on Great View Lane). **Staff Contact: George Stefan**

Audio Track 1

CONDITIONS OF APPROVAL

Staff recommends preliminary approval of Sattley Subdivision with the following conditions:

1. GVEA and Alyeska Pipeline Service Company shall have a maximum of 30 calendar days to review and comment on the final plat.
2. ACS and GCI shall have a maximum of 10 calendar days to review and comment on the final plat.
3. A note shall be placed on the final plat which states, "No subdivision lot may be further subdivided until such time as legal, constructed road access is available to the boundary of the lot proposed to be resubdivided."

FINDINGS OF FACT

Staff further recommends adoption of the following findings:

- a) This subdivision request is exempt from constructing a Title 17 road to the subdivision boundary as allowed by FNSBC 17.56.020(G) because:
 - i. The proposed subdivision creates fewer than five lots.
 - ii. Legal access exists to the subdivision boundary from Great View Lane and from the section line easement corridor along the subdivision's north boundary.
- b) As codified by FNSBC 17.56.020(G) a lot created under this subsection may not be further subdivided until such time as legal, constructed road access is

available to the boundary of the lot proposed to be resubdivided. Condition #3 satisfies this.

- c) This plat request does not alter a dedicated street or right-of-way or require dedication.
- d) This plat request does not require road construction or improvement.
- e) This plat request does not require a variance from a subdivision regulation.
- f) This plat request does not deny legal and physical access to any lot or tract.
- g) This plat does not vacate a public road, trail, public area or any easements.
- h) With the three conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

APPROVED

Appeal of this decision must be made in writing within ten (10) days of the decision. Request an appeal form from the Community Planning Department.

- 2. GR2019-099:** A request by Ed Burger for affirmative recognition of legal nonconforming structure status (grandfather rights) for an existing single-family residence with a nonconforming basement in Rural Residential zone with Groundwater Damage Protection overlay (RR/GWP) for the property on Lots 5 and 6, Block 01, Burgerville Subdivision (Located at 2797 Eddie Lane, on the north side of Bumpy Road, east of Templeton Street). **(Staff Contact: Kristina Heredia)**

Audio Track 1

POST PONED TO A CERTAIN DATE OF 4/18/19

- 3. GR2019-090:** A request by Don Ross for affirmative recognition of legal nonconforming use status (grandfather rights) for single-family detached dwelling and a two-family attached dwelling (total of three dwelling units) in the Rural Residential (RR) zone for the property on Gov. Lot 84B, Chena Small Tracts, Sec. 14, T1S R2W FM (located at 2532 Roland Road). **Staff Contact: Bridget Hamilton**

Audio Track 1

FINDINGS OF FACT

After a public administrative hearing on April 4, 2019, the FNSB Administrative Hearing Officer **AFFIRMED (approved)** affirmative recognition of legal nonconforming use status (grandfather rights) for a single-family detached

dwelling and a two-family attached dwelling (total of three dwelling units) in the Rural Residential (RR) zone. The FNSB Administrative Hearing Officer adopted the staff report and the following Findings of Fact in support of this determination:

1. The subject parcel contains a single-family detached dwelling and a two-family attached dwelling (total of three dwelling units) in the Rural Residential (RR) zone. The subject uses do not comply with the RR zoning because a single-family detached dwelling use and two-family attached dwelling use are not permitted on the same lot the RR zone.
2. The subject property was zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968. The UU zone had no use restrictions.
3. A zoning permit was issued for a new residential use on the subject property on May 13, 1975. The FNSB Assessor Field card estimates that the single-family detached dwelling was constructed in 1976.
4. FNSB aerial photography taken between 1978 and 1979 shows the single-family detached dwelling on the subject property.
5. The FNSB Assessor Field card estimates that the year of construction for the two-family attached dwelling was 1982. The Field Card includes a photograph of the two-family residence dated July 15, 1986.
6. Gov. Lot 84B was created with the recording of Replat Government Lot 84 on March 6, 1987. This platting action divided Government Lot 84 into two parcels.
7. The subject parcel was rezoned from UU to General Use 1 (GU-1) when Ordinance No. 88-010 came into effect on April 25, 1988. The GU-1 zone permitted a single-family detached dwelling use and two-family attached dwelling use on the same lot.
8. FNSB Aerial Pictometry from 2012 shows the single-family detached dwelling and the two-family attached dwelling on the subject property.
9. The subject property was rezoned from GU-1 to Rural Residential (RR) with the adoption of Ordinance No. 2018-43 on December 13, 2018. The subject structures became nonconforming at this time.

Because the single-family detached dwelling use and two-family attached dwelling use legally existed on Gov. Lot 84B, Chena Small Tracks, Section 14, T1S-R2W, F.M. prior to December 13, 2018 when

the parcel was zoned Rural Residential which prohibited a single-family detached dwelling use and two-family attached dwelling use (total of three dwelling units) on the same lot, the subject parcel has affirmative recognition of legal non-conforming use status (grandfather rights) for a single-family detached dwelling use and two-family attached dwelling use (total of three dwelling units) in the Rural Residential (RR) zone under Chapter 18.108, Nonconforming (Grandfathered) Uses and Lots.

This decision 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 notice is an administrative decision and is appealable within fifteen (15) days from the date of this notice to the Fairbanks North Star Borough Planning Commission. An appeal application may be filed with the Community Planning Department office.

AFFIRMED (APPROVED)

- 4. GR2019-087:** A request by Lee Drotzur for affirmative recognition of legal nonconforming use status (grandfather rights) for four attached dwelling units (four-plex) in the Light Industrial (LI) zone for the property on Lot 2A-1, Raho Subdivision (located at 3224 Lakeview Drive). **Staff Contact: Bridget Hamilton**

POSTPONED TO A CERTAIN DATE OF 4/18/19

- 5. GR2019-093:** A request by Nicolas Sulkosky for affirmative recognition of legal nonconforming use status (grandfather rights) for four attached dwelling units (four-plex) in the Two-Family Residential (TF) zone for the property on Lot 2A, Block 100C, Fairbanks Townsite (located at 1155 Eighth Avenue). **Staff Contact: Bridget Hamilton**

POSTPONED TO A CERTAIN DATE OF 4/18/19

Further information can be obtained from the Community Planning Department office at 459-1260 or 907 Terminal Street, Fairbanks, AK 99701.