



NOTICE OF DECISION RE: GR2018-093

March 1, 2018

Dale Gillitzer
PO Box 81683
Fairbanks, AK 99708

Property Description: Lot 08, Block 02, Kris Kringle Subdivision 1st Addition
Property Address: 3256 Kris Kringle Drive
PAN: 0303691
Issue: Request for affirmative recognition of legal nonconforming structure status (grandfather rights) for an existing single-family residence with a north side-yard setback of 21 feet +/- instead of the required 25 feet in the Rural Residential (RR) zone

Determination: **NON-Affirmed (denied)** for north side-yard setback

On March 1, 2018 the Fairbanks North Star Borough Department of Community Planning **NON-AFFIRMED (denied)** your request for affirmative recognition of legal nonconforming structure status (grandfather rights) for an existing single-family residence with a north side-yard setback of 21 feet +/- instead of the required 25 feet in the Rural Residential (RR) zone. The Fairbanks North Star Borough Department of Community Planning adopted the following Findings of Fact in support of this determination:

1. The subject parcel contains a single-family residence in the Rural Residential (RR) zone. The subject structure does not comply with the RR zone because it has a north side-yard setback of 21 feet +/- instead of the required 25 feet (**Exhibit 1**).
2. The subject property was zoned Unrestricted Use (UU) with the adoption of Ordinance No. 67-34 on March 28, 1968 (**Exhibit 2**). There were no required setbacks for the UU zone.
3. Lot 08, Block 02 was created with the recording of plat FRD 1975_116_001 for the Kris Kringle Subdivision 1st Addition on August 20, 1975 (**Exhibit 3**).
4. The subject property was rezoned from UU to General Use-1 (GU-1) with the adoption of Ordinance No. 88-010, effective on April 25, 1988 (**Exhibit 4**). There were no required setbacks for the GU-1 zone.
5. The subject parcel was rezoned from GU-1 to Rural Residential (RR) with the adoption of Ordinance No. 99-060 on August 26, 1999 (**Exhibit 5**). The RR zone established a minimum required side-yard setback of 25 feet.
6. A FNSB zoning permit (ZP16074) was issued for the single-family residence with a north side-yard setback of 30 feet on June 3, 2009 (**Exhibit 6**).
7. The FNSB Appraiser's Notes shows that the single-family residence is estimated to have been constructed in 2009 (**Exhibit 7**).

8. The July 2, 2010 Mortgage Location Survey shows the north side-yard setback for the single-family residence is 21 feet +/- (**Exhibit 1**). At this time, the north side-yard setback did not meet the required 25 feet side-yard setbacks and became non-conforming.

Because the single-family residence with a north side-yard setback of 21 feet +/- was constructed in 2009 after zoning setbacks came into effect on the subject property with the establishment of the RR zone on August 26, 1999, the subject structure on Lot 08, Block 02, Kris Kringle Subdivision 1st Addition does not have an affirmative recognition of legal non-conforming structure status (grandfather rights) for the north side-yard setback 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.

Sincerely,



for D. Christine Nelson, AICP
Community Planning Director

DCN/nd