

# FNSB ADMINISTRATIVE HEARING

Chizmar Conference Room, 1st Floor  
Juanita Helms Administration Center  
907 Terminal Street, Fairbanks, Alaska

AGENDA  
10:30 a.m.  
May 3, 2018

**A. CALL TO ORDER**

**B. MESSAGES**

This hearing may include Quick Plats, Legal Nonconforming (Grandfather Rights), Amnesty Relief and Administrative Variance requests. Public testimony will be requested as each agenda item comes up. *Any action taken during this meeting may be appealed. Appeal of a Hearing Officer decision must be submitted in writing.*

*Agenda, meeting audio, and Hearing Officer decisions are posted at <http://www.co.fairbanks.ak.us/cp/Pages/Administrative-Hearings.aspx>.*

**C. COMMUNICATIONS TO THE HEARING OFFICER**

**D. HEARING OFFICER COMMENTS**

**E. QUASI-JUDICIAL HEARING**

- 1. RP021-18 (Fairbanks Townsite)** A request by 3 TIER-Alaska, Corp., on behalf of the Michael Stormont and Historic Hall, Inc., to replat Lots 8A and 8B, Block 17, Fairbanks Townsite, totaling approximately 4,000 square feet, by reconfiguring the common lot line resulting in two lots of approximately 2,543 square feet and 1,498 square feet. The parcels are located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 10 T1S R1W, FM at First Ave, Second Ave and Cowles St. **Staff Contact: Daniel Welch**

**F. COMMENTS**

Citizens

Planning Staff

**G. ADJOURNMENT**

Daniel Welch,  
Platting Officer**RP021-18 (Fairbanks Townsite)**

**Applicant/Owner:** Michael C. Stormont  
P.O. Box 61014  
Fairbanks, AK 99706

Historic Hall, Inc  
PO Box 80589  
Fairbanks, AK 99708

**Surveyor:** 3 TIER-Alaska, Corp.  
P.O. Box 71940  
Fairbanks, AK 99707

**Specific Request:** A request by 3 TIER-Alaska, Corp., on behalf of the Michael Stormont and Historic Hall, Inc., to replat Lots 8A and 8B, Block 17, Fairbanks Townsite, totaling approximately 4,000 square feet, by reconfiguring the common lot line resulting in two lots of approximately 2,543 square feet and 1,498 square feet.

The intent of this request is to alter the common lot line; two lots into two lots.

**Location:** The parcels are located within the SW¼ NE¼ Section 10 T1S R1W, FM at First Ave, Second Ave and Cowles St.

**Existing Land Use:** Residential and Partially Exempt (Historic Hall)

**Current Zoning:** Central Business District (CBD)

**Comprehensive Plan:** Urban Area

**Soils:** Urban Land

**Flood Zone:** X – Protected By Levee

**Wetlands:** NONE

**Road Service Area:** City of Fairbanks

**Fire Service Area:** City of Fairbanks

**History:** Both lots were originally part of Lot 8, Block 17, Fairbanks Townsite created by the official survey in 1909. The lots were split by deed into their current configuration in 1922 (Book 22, Page 260 F.R.D.) Because the deed that split Lot 8 into Lots 8A and 8B pre-dates the 1953 City of Fairbanks Platting Authority, the lots were created legally.

Additionally, this replat request received preliminary approval on June 12, 2014 (RP056-14). Per FNSBC 17.12.030.J, a final plat must be submitted within 24 months after preliminary approval. A final plat was not submitted within 24 months, nor was an extension requested or granted; therefore the preliminary approval granted on June 12, 2014 is no longer valid. This recent replat request is resubmittal of the previously approved platting action in order to secure a current and valid preliminary approval.

**Applicability:** This request is exempt from meeting the design and public improvement requirements of Chapter 17.56. FNSBC 17.52.050 states “Any application to subdivide any number of lots that have been approved by the relevant platting authority when created or were exempt from platting authority approval when created shall not be subject to the design and public improvement requirements of this Title provided that all of the following criteria are met:

- A. The proposed subdivision does not result in an increase in the number of lots.
- B. The proposed subdivision does not create a new violation of the design and public improvement requirements of this title.
- C. The proposed subdivision does not increase the non-conformity of any lot under this or any other FNSB title.”

The subdivision request proposes to only move or adjust an existing lot line of legally created lots. It is a replat of two lots into two lots. No new lots will be created by this request which is one reason the plat is applicable to meet FNSBC 17.52.050. This portion of Title 17 exempts the plat from any portion of Chapter 17.56, Design and Public Improvements Requirements.

This proposed subdivision meets the requirements of FNSBC 17.52.050 because;

1. The request only involves lots that have been approved by the relevant platting authority when created
2. The request does not result in an increase in the number of lots
3. The application does not create a new violation of the design and public improvement requirements of Title 17 and
4. The proposed replat does not increase the non-conformity of any lot under this or any other FNSB title.

By meeting the requirements of FNSBC 17.52.050, the proposed subdivision shall not be subject to the design and public improvement requirements of Title 17. Those platting requirements include, but or not limited to:

- Physical road access to Borough standards to the boundary of the subdivision and for each lot.
- Legal access limitations that may affect existing access onto a major collector.

**Access:** All of the proposed lots will continue to use the legal access established by the parent parcels.

Proposed Lot 8B1 will continue to front and access Second Ave.

Proposed Lot 8A1 will continue to front and access First Ave, a major collector. FNSBC 17.56.010.F states "Direct lot access onto a major collector road or arterial shall not be allowed unless topography allows no reasonable alternative." The normal process to address proposed access onto a major collector is to require a variance to Title 17 to determine if "topography allows no reasonable alternative." This request does not require a variance or a determination of a reasonable alternative to First Avenue access because the platting action meets the requirements of FNSBC 17.52.050, outlined above. Since the plat does not propose new access onto First Ave, and the access is not a new violation of FNSBC 17.56.010.F, the plat is exempt this requirement which is found in Chapter 17.56, Design and Public Improvement requirements.

Both lots front and rely on roads maintained by the City of Fairbanks. A note will be required on the plat stating any new or modification of a driveway onto First Avenue or Second Avenue will require a City of Fairbanks Driveway Permit.

**Soils Report:** A professional soils analysis is not required because the properties have access to municipal sewer and water. Additionally the subdivision request meets the requirements of FNSBC 17.52.050 and is exempt from the design and public improvement requirements of Chapter 17.56.

#### **FNSB In-house Review:**

Addressing/Street Naming: (Kim Streeter, GIS-Emergency Services Technician)

**Addressing:** Both structures on the lots in the plat area are properly addressed.

**Street Naming:** No new street names created by this plat."

Public Works: (Chad Hosier, Engineer) "There are no improvements to the subdivision; we have no comments. As we discussed, 1<sup>st</sup> Ave. and 2<sup>nd</sup> Ave. are shown as major collectors in GIS, however 17.52.050 covers that."

Zoning: (Manish Singh, Planner II)

“Thank you for offering the opportunity to comment on this platting action. Current Planning has no objections to this plat. Both lots, Lot 8A1 and Lot 8B1, are in the CBD zone which has not minimum setback or lot size requirements. The cabin (single-family dwelling) and the museum are allowed uses in the CBD zone.

I noticed that a portion of the existing cabin encroaches onto the 2<sup>nd</sup> avenue. The plat also shows a portion of the museum’s access ramp encroaching onto the 1<sup>st</sup> avenue. The FNSB Current Planning does not offer any opinion about the apparent encroachments that are civil matters between the property owner and the city.”

Land Management: (Shelley Rowton, Land Officer) “Land Management has no comment on the proposed replat.”

Transportation: (Don Galligan, Transportation Planner) “No Comments.”

Flood: (Nancy Durham, Flood Plain Administrator) “This plat has all the required elements for Floodplain Management.”

Rural Services: (Floyd Sheesly, Engineer) “This property is outside of a road service area. Rural Services has not comment on the proposed replat.”

**Agency and Utility Review:**

GVEA: “Golden Valley Electric Association, Inc. has no objection to preliminary approval of the above mentioned Subdivision, as shown in the plat submitted April 25, 2014, by 3 TIER-Alaska, Corp., with the following provisions:

- A. GVEA to review the final plat prior to approval by the FNSB.”

City of Fairbanks: “The City of Fairbanks Engineering Division has no comments regarding your preliminary Replat of Lots 8A & 8B, Block 17 Fairbanks Townsite dated April 25, 2014.”

ACS: “ACS has no objection to the above mentioned preliminary plat provided that all existing telephone facilities remain unaffected.”

GHU: “Golden Heart Utilities (GHU) has reviewed the preliminary plat of Fairbanks Townsite Lots 8A, 8B Block 17 and has no objection providing the following condition is satisfied.

1. GHU reviews and comments on the final plat prior to FNSB approval.”

**Analysis:** The purpose of this plat is to move the common lot line between the existing parcels.

Per FNSBC 17.52.050 this platting request is exempt from the design and public improvement requirements of Title 17; however, the plat must still meet the preliminary and final plat requirements.

The Flood Zone note references the January 2, 1992 maps. This note will need to be updated to reflect the most current maps, effective March 17, 2014.

Including the recommended conditions below, this subdivision request meets the applicable portion of FNSBC Title 17.

**Recommendation:** Staff recommends preliminary approval of Birch Lane Subdivision with the following conditions:

1. GVEA, City of Fairbanks, and GHU shall have a maximum of 30 calendar days to review and comment on the final plat.

- 2. ACS shall have a maximum of 10 calendar days to review and comment on the final plat.
- 3. A note shall be added to the final plat that states "A driveway permit is required from the City of Fairbanks for new, or modifications to existing driveways onto Second Avenue or First Avenue."
- 4. The Flood Zone note shall be updated to reflect the new maps effective March 17, 2014.

**Findings of fact:** Staff further recommends adoption of the following findings of fact:

- a. FNSBC 17.52.050 exempts this platting application from the design and public improvements requirements of Title 17 because:
  - 1. The lots have been legally created.
  - 2. The request does not increase the number of lots.
  - 3. The request does not create a new violation of the design and public improvement requirements of Title 17.
  - 4. The request does not increase the non-conformity of any lot under this or any other FNSB title.
- b. This plat request does not require a variance from FNSBC 17.56.010.F to have direct lot access onto a major collector because it meets the requirements of FNSBC 17.52.050 and is therefore exempt from the Design and Public Improvement Requirements of Title 17.
- c. This plat request does not deny legal and physical access to any lot or tract.
- d. This plat does not vacate a public road, trail, public area or any easements other than public utility easement.
- e. This plat does not alter a dedicated street or right-of-way or require dedication.
- f. This plat request does not require road construction or improvement.
- g. This plat request does not require a variance from a subdivision regulation.
- h. With the four conditions recommended by staff, this subdivision request meets the applicable requirements of Title 17.

**ACTION** by hearing officer at a public hearing on May 3, 2018: The above named file was

- \_\_\_\_\_ *Approved* with the four conditions and adopting the staff report and Findings of Fact a through h. A final plat must be prepared by a registered land surveyor and submitted to this office within 24 months or the preliminary approval will become void.
- \_\_\_\_\_ *Denied*. Any appeal must be filed within ten working days of this decision.
- \_\_\_\_\_ *Recommended for hearing* by the Platting Board. (See Platting Officer for requirements.)

***APPEAL of this decision must be made in writing within ten days of the decision. Request an appeal form from the Community Planning Department.***

cc: Julie Karl, GVEA  
City of Fairbanks  
Cindy Lester, GHU

\_\_\_\_\_  
FNSB Hearing Officer

\_\_\_\_\_  
date