



**Fairbanks North Star Borough**  
**Department of Community Planning**  
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For Office Use Only Received By: _____ Date Submitted: _____
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## APPLICATION FOR DE MINIMIS DETERMINATION

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

<b>Request For De Minimis Determination:</b>	Lot Size _____	Setback: _____
The subject property has been denied Grandfather Rights for the above requested De Minimis Determination:		
<input type="checkbox"/> No <input type="checkbox"/> Yes      Case File #: _____		

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:
Describe the non-conformity as it relates to the lot area or each required yard setback:		

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 Board of Adjustment.

I certify that  (I am)  (I am authorized to act for) the owner of the property.

**APPLICANT SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

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

## DE MINIMIS DETERMINATION

For a complete De Minimis Determination application, the applicant must provide:

1. A **detailed written narrative** explaining how all of the criteria in FNSBC 18.96.040(A) below are met, including:

- a. For yard deviations:
  1. The deviation existed on or before April 29, 2016; **AND**
  2. the Deviation is:
    - Not greater than 10% of the required setback; **AND**
    - The setback is not less than 5 feet
- b. For lot area deviations:
  - The deviation is 2% or less if the required lot area in the zoning district is 40,000 sqft. or less; **OR**
  - The deviation is 3% or less if the required lot area in the zoning district is more than 40,000 sqft.

### 18.96.040 Exception to required yards and lot area.

***A. The following deviations are considered de minimis and expressly allowed with no variance required: A deviation of not greater than 10% of the required setback or a minimum setback depth of 5 feet, whichever is greater to required yards, if the deviation existed on or before April 29, 2016; A deviation of 2% to a required lot area if the required lot area is 40,000 square feet or less; A deviation of 3% to a required lot area if the required lot area is more than 40,000 square feet. The platting board or administrative hearing officer may, but is not required to, approve a plat with one or more lots falling within the allowable deviations. All lots shall otherwise meet the yard requirements of the district in which they are located, subject to the following exceptions in the SF-5, SF-10, SF-20, TF, MF and MFO zones:***

1. ***Corner lots with two frontages and through lots shall have one front yard, which shall be provided on the same side as the driveway and/or garage are located. If there is no driveway and/or garage, the front yard shall be provided on the side consistent with the prevailing yard pattern for the street. The second frontage shall have a yard with a minimum depth of 10 feet.***
2. ***In the case of corner lots with more than two frontages:***
  - a. ***One front yard shall be provided on the same side as the driveway and/or garage are located. If there is no driveway and/or garage, the front yard shall be provided on the side consistent with the prevailing yard pattern for the street.***
  - b. ***No other frontage on such a lot shall have a yard with a depth of less than 10 feet.***
3. ***The minimum front yard setback for a side with a garage access and/or driveway used as access to the property shall not be reduced under any exception in this section.***
4. ***The street intersection visibility requirements set forth in FNSBC 18.96.100 must be maintained, notwithstanding any exception in this section.***

2. For setback requests, 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.
  - g. Names of adjacent roads
  - h. Existing and/or proposed driveways