



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-22
SEWARD RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR TRACT E, QUARTZ CREEK SUBDIVISION (SW 0940011); IN NE 1/4 S36, T05N, R03W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2023-072

WHEREAS, per KPB 20.30.240 – Building Setbacks, a minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities; and

WHEREAS, Alexander and Sherry Kime of Cooper Landing, AK requested a building setback encroachment permit to the 20-foot building setback along Quartz Creek Road granted by Quartz Creek Subdivision (SW 0940011); and

WHEREAS, per as built survey a one-story home was constructed in the 20-foot building setback 5.4 feet by 56.3 feet; and

WHEREAS, the encroaching structure does not affect sight distance along the right-of-way; and

WHEREAS, on August 14, 2023, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and the Planning Commission found that granting the building setback permit will not be detrimental to the public interest; and was heard at the September 11, 2023 the Kenai Peninsula Borough Planning Commission to review the final as-built and adopt the resolution; and

WHEREAS, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest; and

WHEREAS, 20.10.110 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish building setback encroachment permits by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. Approved a permit to allow only the encroaching portion of the one-story house in the 20-foot building setback adjoining Quartz Creek Road right-of-way on the east boundary of Tract E, Quartz Creek Subdivision (SW 0940011).

Section 2. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

Section 4. That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 2 of 2.

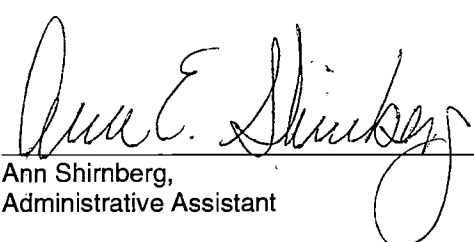
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

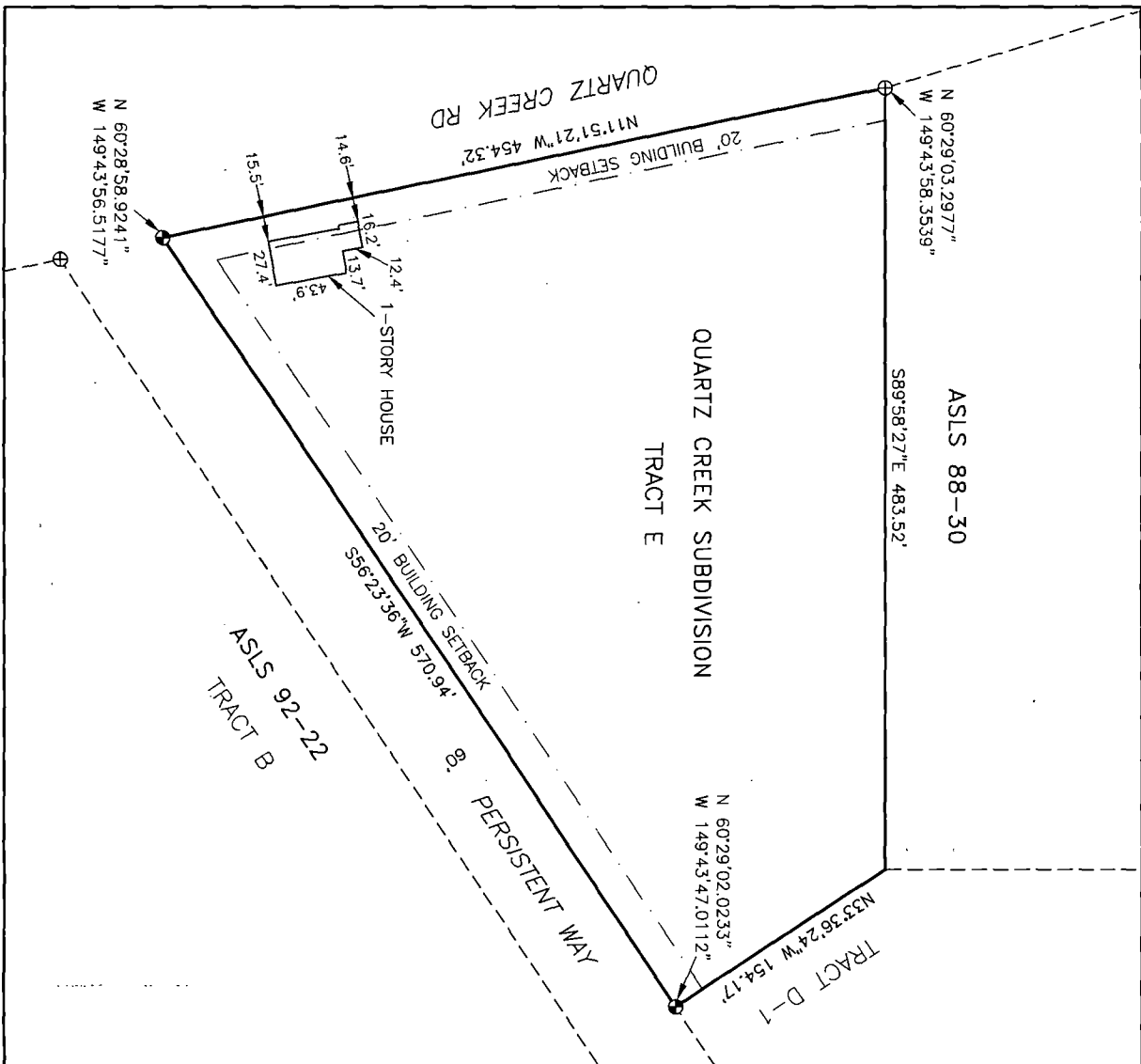
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 11TH DAY OF SEPTEMBER, 2023.


Jeremy Brantley, Chairperson
Planning Commission

ATTEST:


Ann Shirnberg,
Administrative Assistant

Return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669



NOTES

1. A TITLE REPORT WAS NOT PREPARED FOR THIS SURVEY. ADDITIONAL RECORDED AND UNRECORDED EASEMENTS MAY EXIST.
2. BUILDING DIMENSIONS ARE TO THE FACE OF THE BUILDING.
3. BEARINGS AND DISTANCES ARE FROM FIELD MEASUREMENTS AND PLAT SW 94-11.
4. ADDITIONAL BUILDINGS AND IMPROVEMENTS THAT DO NOT ENCROACH THE RIGHT-OF-WAY OR BUILDING SETBACK LINE ARE NOT SHOWN ON THIS AS-BUILT.

LEGEND

- ⊕ FOUND 3.25" ALUMINUM MONUMENT
- FOUND 2" ALUMINUM MONUMENT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HEREON, AND THE IMPROVEMENTS EXIST AS SHOWN. FIELD SURVEY ON 08/25/2023.

Jason L. Schollenberg 08/28/2023

JASON L. SCHOLLENBERG DATE
PLS 14488-S



PENINSULA SURVEYING, LLC 10535 KATRINA BOULEVARD NINILCHIK, AK 99639 (907)306-7065	
AS-BUILT SURVEY TRACT E, QUARTZ CREEK SUBDIVISION NW1/4 SECTION 36, T5N, R3W, SM, AK	DATE: 08/28/2023
SCALE: 1" = 70'	SHEET: 1 OF 1
DRAWN: JLS	

