

DESK PACKET

(MATERIALS SUBMITTED AFTER 6/10/26)

**3. Building Setback Encroachment Permit; KPB File 2026-063
Segesser Surveys / Knuth**

**Request: permits a portion of a structure to remain within the
building setback on Lot 2, Block 6 Cottonwood Acres Subdivision
No. 6, Plat KN 82-128
Kalifornsky Area**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2026-38
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT
TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 2 BLOCK
2, COTTONWOOD ACRES SUBD. NO. 6 (KN 0820128); IN S27, T05N, R11W; SEWARD
MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE
NO. 2026-063**

WHEREAS, pursuant to KPB 20.30.240, a minimum twenty-foot building setback from all dedicated rights-of-way in subdivisions located outside incorporated cities is required; and

WHEREAS, issuance of a building setback encroachment permit is an exception to the rule prohibiting such encroachments; and

WHEREAS, KPB 20.10.110 governs building setback encroachment permits and authorizes the Planning Commission to grant building setback encroachment permits by resolution; and

WHEREAS, KPB 20.10.110(E) provides the three Standards the Planning Commission must consider when evaluating building setback permit applications; and

WHEREAS, the Planning Commission may only approve an encroachment permit if there is substantial evidence showing that each of the three Standards in KPB 20.10.110(E) are met; and

WHEREAS, these are affirmative findings, and the petitioner has the burden to prove with substantial evidence they are true; and

WHEREAS, Geoff and Melissa Knuth of Soldotna, AK requested a building setback encroachment permit to the twenty-foot building setback granted by Cottonwood Acres Subd. No. 6 and

WHEREAS, on Monday, July 20, 2026, the Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception,

WHEREAS, the Planning Commission found that the petitioner met the burden of proof with substantial evidence as to each of the three Standards found in KPB 20.10.110(E); and

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

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

SECTION 1. That the petitioner has met the burden of proof with substantial evidence as to each of the three standards found in KPB 20.10.110(E).

SECTION 2. That an exception to the 20-foot building setback limit on KN 0820128 Lot 2 Block 2 COTTONWOOD ACRES SUBD. NO. 6 is hereby granted to accommodate only the encroaching portion of the 14.2-foot by 24.3-foot building based upon the following findings of fact:

Standard 1: The building setback encroachment may not interfere with road maintenance.

1. The encroachment is minimal in nature and does not adversely impact neighboring properties, public access, utilities, drainage, safety, or the overall intent of the setback requirements.
2. The structure has been constructed and maintained in good condition, and the six-inch encroachment creates no practical burden or interference with surrounding land uses.
4. Granting this variance would allow the property to remain in compliance while preserving the intended character and use of the area.
6. The structure is sitting approximately 25' back from the edge of the driving surface.
7. The road in this area is straight, making no issue for maintenance and sight distance.
8. Iditarod St N is privately maintained.
9. The structure encroaches 0.6 feet into the setback line.

Standard 2: The building setback encroachment may not interfere with sight lines or distances.

1. The encroachment is minimal in nature and does not adversely impact neighboring properties, public access, utilities, drainage, safety, or the overall intent of the setback requirements.
2. The structure has been constructed and maintained in good condition, and the six-inch encroachment creates no practical burden or interference with surrounding land uses.
4. Granting this variance would allow the property to remain in compliance while preserving the intended character and use of the area.
6. The structure is sitting approximately 25' back from the edge of the driving surface.
7. The road in this area is straight, making no issue for maintenance and sight distance.
8. Iditarod St N is privately maintained.
9. The structure encroaches 0.6 feet into the setback line.

Standard 3: The building setback encroachment may not create a safety hazard.

1. The encroachment is minimal in nature and does not adversely impact neighboring properties, public access, utilities, drainage, safety, or the overall intent of the setback requirements.
2. The structure has been constructed and maintained in good condition, and the six-inch encroachment creates no practical burden or interference with surrounding land uses.
4. Granting this variance would allow the property to remain in compliance while preserving the intended character and use of the area.
6. The structure is sitting approximately 25' back from the edge of the driving surface.
7. The road in this area is straight, making no issue for maintenance and sight distance.
9. The structure encroaches 0.6 feet into the setback line.

SECTION 3. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

SECTION 4. That the granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting of a building setback permit will not remove any portion of the 20-foot building setback from the parcel.

SECTION 5. 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 4 of 4 .

SECTION 6. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

SECTION 7. 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 _____ DAY OF _____, 2026.**

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

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