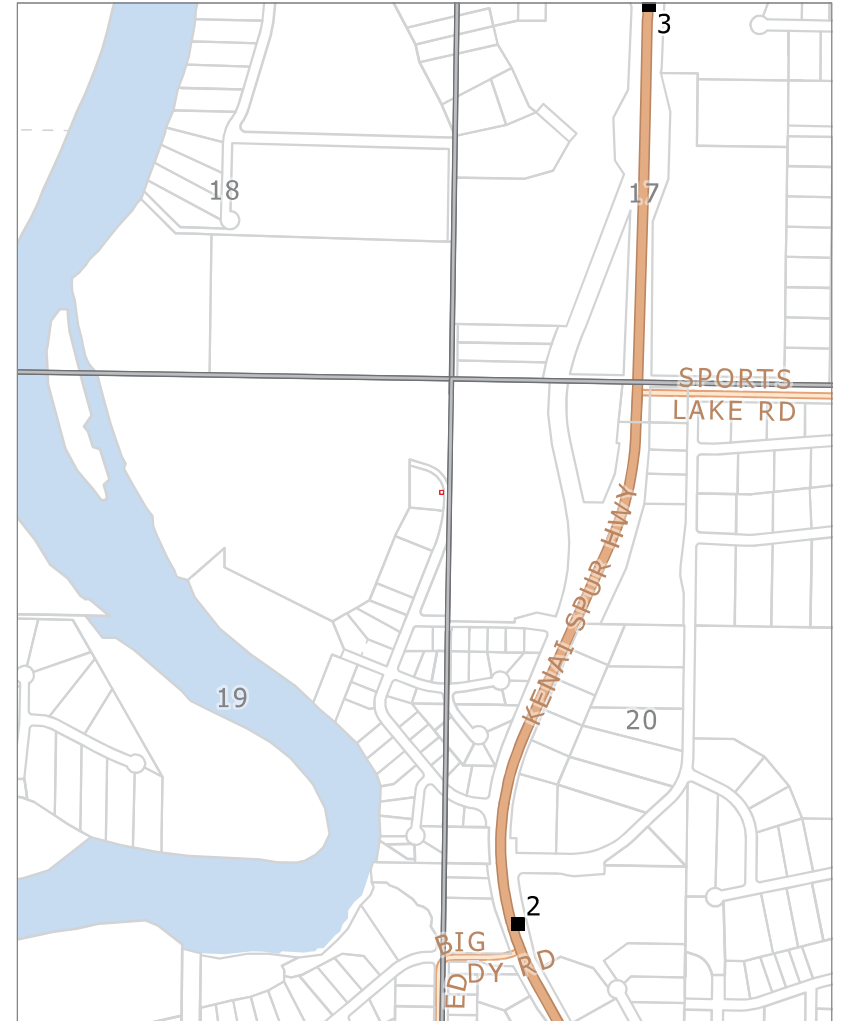
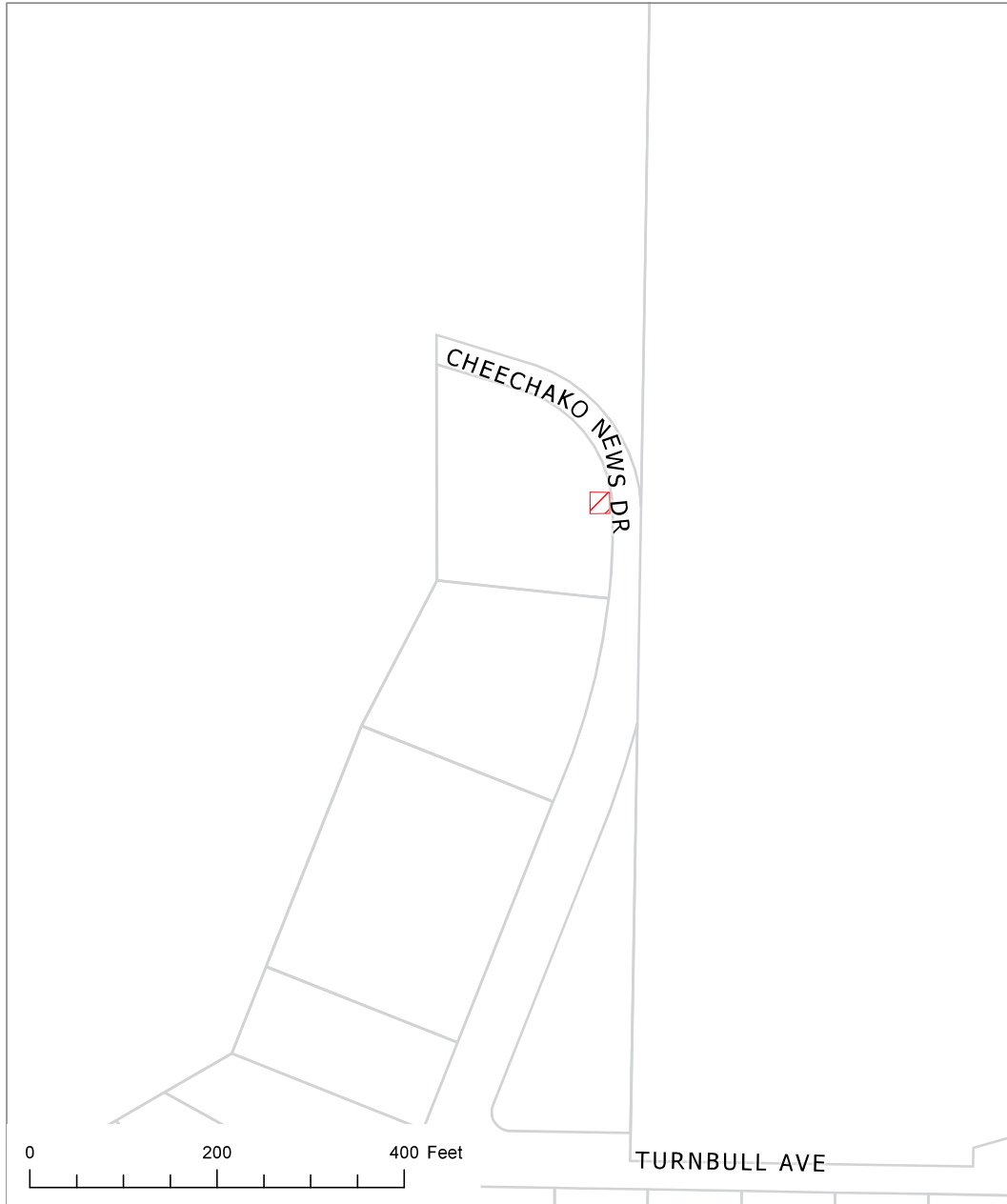


## **E. NEW BUSINESS**

- 6. Building Setback Encroachment Permit; KPB File 2023-076**  
**Petitioners/Landowners: Michael Wykis & Karen Hummel**  
**Request: Permits a garage to be constructed in the 20'**  
**building setback**  
**Location: Block 3, Lot 2, Big Eddy Subdivision, Plat KN 1972-14**  
**Ridgeway Area**

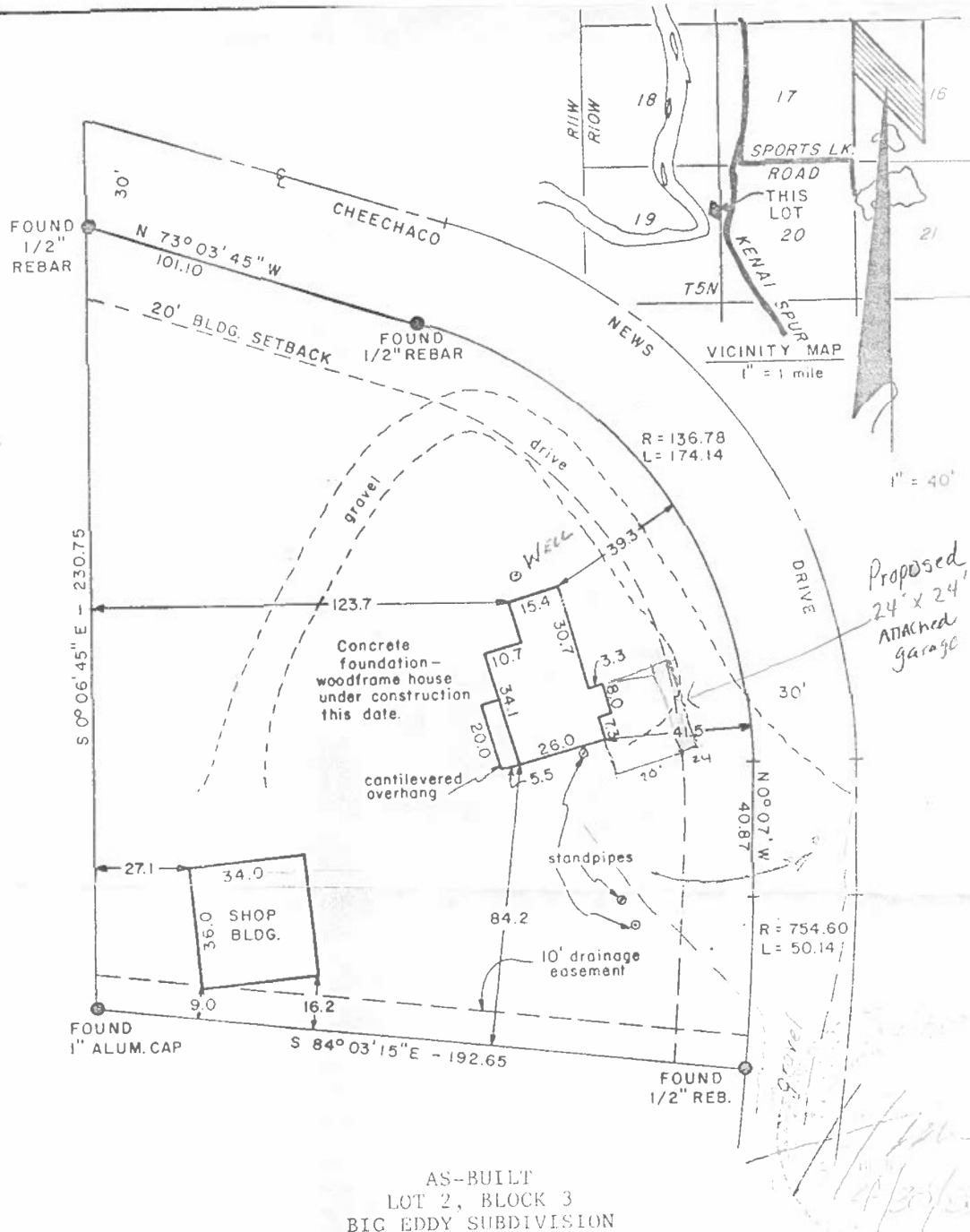


KPB File 2023-076  
T 05N R 10W SEC 19  
Ridgeway



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





AS-BUILT  
LOT 2, BLOCK 3  
BIG EDDY SUBDIVISION

# SURVEYOR'S CERTIFICATE

I hereby certify that the property shown hereon was surveyed under my direct supervision, that the improvements are located as shown, and that any encroachments are noted (see NOTES).

*Patrick J. Malone*  
Patrick J. Malone, 6089-S

10/31/83  
Date

surveyor's Certificate  
I certify that this survey was field checked under my direction and that this drawing shows the improvements as located 4/25/86

*H. J. Malone* 4/30/86  
LS 1851



## NOTES:

1. The exist. & loc. of any underground installation was NOT determined during this survey.
2. It is the responsibility of the Owner to determine the exist. of any easements, covenants or restrictions which do not appear on the recorded subdivision plat.

for:  
Paul Dale Dec 1980  
Soldotna, Alaska 99669

Malone Surveying  
P.O. Box 566  
Kenai, Alaska 99611

**ITEM 6. – BUILDING SETBACK ENCROACHMENT PERMIT – BIG EDDY SUBDIVISION**

<b>KPB File No.</b>	2023-076
<b>Planning Commission Meeting:</b>	August 14, 2023
<b>Applicant / Owner:</b>	Karen Hummel and Michael Wykis of Soldotna, Alaska
<b>Surveyor:</b>	None
<b>General Location:</b>	Cheechako News Drive, Ridgeway area

<b>Parent Parcel No.:</b>	057-680-02
<b>Legal Description:</b>	Lot 2 Block 3, Big Eddy Subdivision, KN 72-14
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** As an aging couple, we want to add a garage to our current property and attach it to our home. The proposed garage will be 24 feet by 24 feet and from 1 to 4 feet of the east side of the garage will encroach on the road setback (see attached proposal added to the as-built). The garage will not affect snow removal or impact on any line-of-sight issues.

**Site Investigation:** The owners are seeking approval to add a garage to the existing home located on the subject parcel and encroach one to four feet into the setback. The property is located at the end of Cheechako News Drive. This portion of Cheechako is only a half dedication at 30 feet wide and as the large parcels to the east and west are subdivided a full 60-foot-wide dedication will be required. This portion of Cheechako News Drive and the 20-foot building setback was granted by Big Eddy Subdivision KN 72-14.

The parcel located to the west is owned by State of Alaska DNR and if ever subdivided will continue the Cheechako News Drive dedication further west.

Cheechako News Drive is partially maintained by KPB Roads with maintenance ending at the subject parcel. Maintenance ends at approximately where the applicants drive location starts. There are street views available in the area, but do not provide views of the subject parcel.

**Staff Analysis:** This parcel was originally part of a government lot which created the subject parcel of Lot 2 Block 3, Big Eddy Subdivision KN 72-14 and granted the building setback along the new dedication of Cheechako News Drive.

Per the petition the encroachment could be one to four feet into the setback leaving sixteen feet at a minimum.

The proposed location for the garage would be on a slight curve, but being on the inside of the curve north bound traffic would likely not be impacted. Traffic south bound could have some line-of-sight issues before the owner's driveway, but sixteen feet of the setback would remain that could aid in that area of concern. Until further development is done, the only traffic encountered will be from the applicant's house.

If the encroachment permit is approved, an as-built will be required that shows the exact measurements of the encroachment as outlined in KPB 20.10.110(G). The permit will only be for those portions encroaching, KPB 20.10.110(F). The encroachments may not exceed the approved one to four feet into the setback without additional approval from the Planning Commission.

**Findings:**

1. Lot 2 Block 3 Big Eddy Subdivision KN 72-14 created the 20-foot building setback.
2. Cheechako News Drive is a 30 foot half dedication.
3. Approximately sixteen feet of setback would remain.
4. There are currently no other property owners past this lot.
5. Cheechako News Drive is not constructed past the owner's driveway.
6. There does not appear to be a line of sight issue.

**20.10.110. – Building setback encroachment permits.**

- E. The following standards shall be considered for all building setback encroachment permit applications. Staff recommends the Commission select the findings they determine are applicable to the standards and vote on them:
1. The building setback encroachment may not interfere with road maintenance.  
**Findings 3-6 appear to support this standard.**
  2. The building setback encroachment may not interfere with sight lines or distances.  
**Findings 3-6 appear to support this standard.**
  3. The building setback encroachment may not create a safety hazard.  
**Findings 3-6 appear to support this standard.**
- F. 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.
- G. The Planning Commission shall approve or deny a building setback encroachment permit. If approved, a resolution will be adopted by the planning commission and recorded by the planning department within the time frame set out in the resolution to complete the permit. The resolution will require an exhibit drawing showing, and dimensioning, the building setback encroachment permit area. The exhibit drawing shall be prepared, signed and sealed, by a licensed land surveyor.

**KPB department / agency review:**

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	
KPB River Center review	A. Floodplain  Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection  Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks  Reviewer: Comments:

State of Alaska Fish and Game	
Addressing	<p>Reviewer: Leavitt, Rhealyn  Affected Addresses:  36887 CHEECHAKO NEWS DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  CHEECHAKO NEWS DR</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:  No Comment</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: Currently no encroachment exist. This would be a new planned construction into the 20ft building setback. This would be allowable if permitted by PC.</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	

### **RECOMMENDATION:**

Based on the standards to grant a building setback encroachment permit, **staff recommends** to grant approval for the portion of the structures within the 20 foot building setback as shown on the as-built survey, subject to:

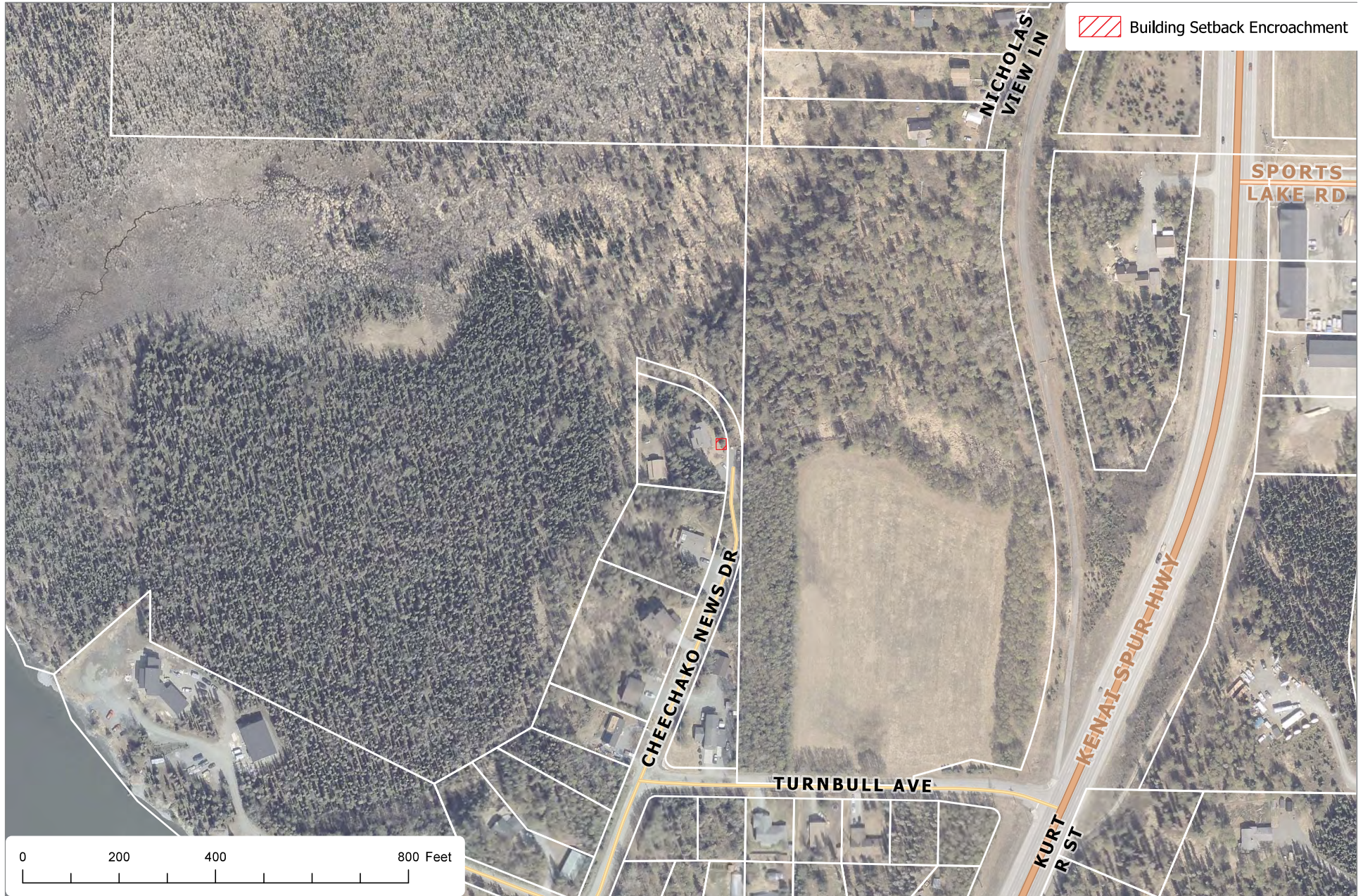
1. Compliance with KPB 20.10.110 sections F and G.
2. Providing a current as-built to be used as an exhibit drawing prepared, signed, and sealed by a licensed land surveyor after construction is complete.
3. The recording fees be submitted to the Kenai Peninsula Borough Planning Department for the recording of the resolution.
4. Failure to provide an as-built so that it may be recorded within one year approval will result in a new application, hearing, and approval.
5. Additional encroachments found on the new as-built will require a new hearing.

### **NOTE:**

**20.10.110.(H) A decision of the planning commission may be appealed to the hearing officer by a party of record, as defined by KPB 20.90, within 15 days of the date of notice of decision in accordance with KPB 21.20.250.**

**END OF STAFF REPORT**

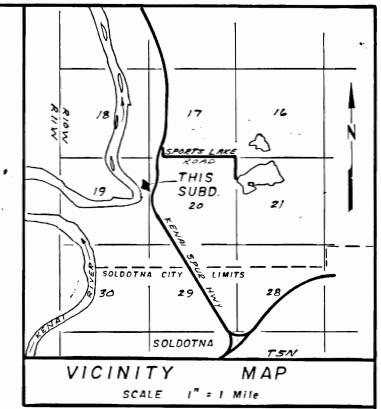




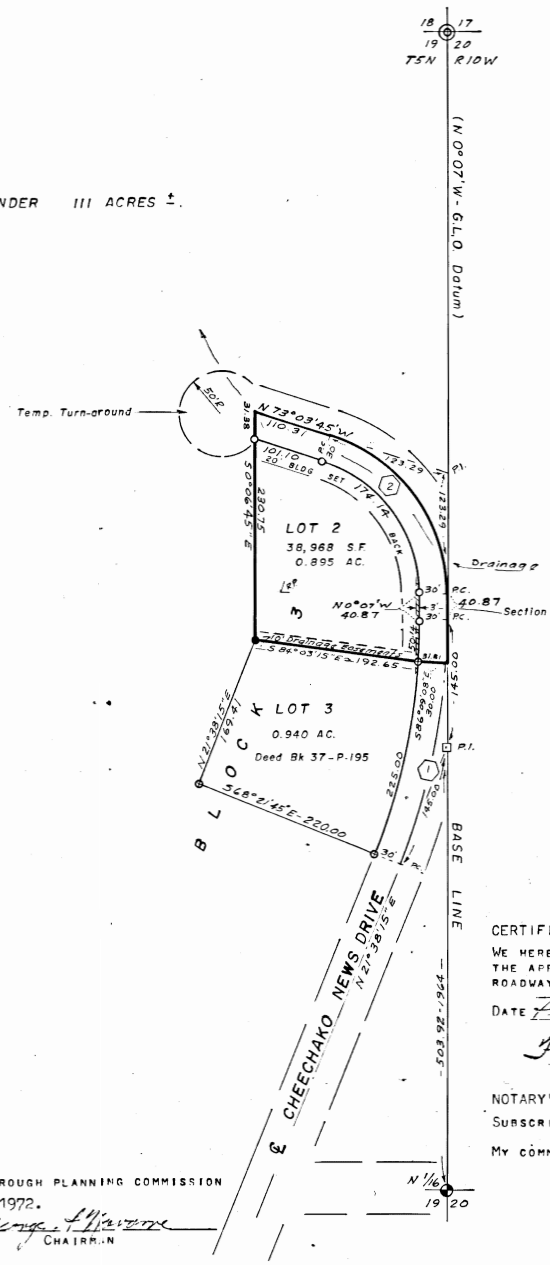
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



RECEIVED-FILED  
KENAI REC.  
DISTRICT  
Mar 13 1 30 PM '72  
REQUESTED BY KDB  
ADDRESS 431146



STEWART UNSUBD. REMAINDER 111 ACRES ±.



CURVE DATA				
CURVE	Δ	R	T	L
①	21°45'15"	754.60	145.00	286.51
②	72°56'45"	166.78	123.29	212.34

LEGEND AND NOTES.

- ⊕ Found G.L.O. brass cap monument.
- ⊙ Found official survey brass cap (610-S) buried in road.
- Found 1" Al. cap.
- ⊙ Found 1/2" steel rebar.
- Found wood hub w/tack.
- Set 1/2" x 24" steel rebar.

All bearings refer to the G.L.O. datum of N0°07'W for the East line of Section 19 as shown.

==== Indicates that portion of the section line right of way being vacated by this plat, beyond the 30 feet dedicated for public use, adjacent to Lots 2 and 3.

CERTIFICATE OF OWNERSHIP AND DEDICATION:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF SAID PROPERTY, AND REQUEST THE APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS AND OR STREETS DEDICATED BY US FOR PUBLIC USE.

DATE Feb 29, 1972 M. L. Stewart  
February 26, 1972 Dorothy G. Stewart

NOTARY'S ACKNOWLEDGEMENT:

SUBSCRIBED AND SWORN BEFORE ME THIS 26th DAY OF February, 1972.  
MY COMMISSION EXPIRES July 1, 1974 [Signature]



PLAT APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION  
THIS 14th DAY OF FEBRUARY, 1972.  
[Signature]  
CHAIRMAN

**LOT 2 - BLOCK 3 - BIG EDDY SUBDIVISION**

M. L. and Dorothy Stewart, owners  
Drawer O, Kenai, Ak. 99611

**DESCRIPTION**

1.165 ACRES SITUATED IN 60V'T LOT 1 OF SECTION 19, T5N, R10W, S.M., AK., IN RIDGEWAY AND THE KENAI PENINSULA BOROUGH.

Surveyed by - S. S. McLANE R.L.S.  
Soldotna, Ak.

Date of Survey Oct. 20, 1971	Scale 1" = 100'	BK. NO. 26-67
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