

Kenai Peninsula Borough

Meeting Agenda

Planning Commission

Jeremy Brantley, Chair – Ridgeway/Funny River/Sterling District
Pamela Gillham – Kalifornsky/Kasilof District
Virginia Morgan, Parliamentarian – Cooper Landing/Hope/East
Peninsula District
Dawson Slaughter – South Peninsula District
Jeffery Epperheimer - Nikiski District
Diane Fikes – City of Kenai
Franco Venuti – City of Homer
Paul Whitney – City of Soldotna
Troy Staggs – City of Seward

Monday, February 10, 2025

7:30 PM

Betty J. Glick Assembly Chambers

Zoom Meeting ID: 907 714 2200

Remote participation will be available through Zoom, or other audio or video means, wherever technically feasible

ZOOM MEETING DETAILS

Zoom Meeting Link: https://us06web.zoom.us/j/9077142200 Zoom Toll Free Phone Numbers: 888-788-0099 or 877-853-5247

Zoom Meeting ID: 907 714 2200

The hearing procedure for the Planning Commission public hearings are as follows:

1) Staff will present a report on the item.

2) The Chair will ask for petitioner's presentation given by Petitioner(s) / Applicant (s) or their representative -10 minutes

3) Public testimony on the issue. – 5 minutes per person

4) After testimony is completed, the Planning Commission may follow with questions. A person may only testify once on an issue unless questioned by the Planning Commission.

5) Staff may respond to any testimony given and the Commission may ask staff questions.

6) Rebuttal by the Petitioner(s) / Applicant(s) to rebut evidence or provide clarification but should not present new testimony or evidence.

7) The Chair closes the hearing and no further public comment will be heard.

8) The Chair entertains a motion and the Commission deliberates and makes a decision.

All those wishing to testify must wait for recognition by the Chair. Each person that testifies must write his or her name and mailing address on the sign-in sheet located by the microphone provided for public comment. They must begin by stating their name and address for the record at the microphone. All questions will be directed to the Chair. Testimony must be kept to the subject at hand and shall not deal with personalities. Decorum must be maintained at all times and all testifiers shall be treated with respect.

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF CONSENT AND REGULAR AGENDA

All items marked with an asterisk (*) are consent agenda items. Consent agenda items are considered routine and non-controversial by the Planning Commission and will be approved by one motion. There will be no separate discussion of consent agenda items unless a Planning Commissioner so requests in which case the item will be removed from the consent agenda and considered in its normal sequence on the regular agenda.

If you wish to comment on a consent agenda item or a regular agenda item other than a public hearing, please advise the recording secretary before the meeting begins, and she will inform the Chairman of your wish to comment.

- 1. Time Extension Request None
- 2. Planning Commission Resolutions None
- 3. Plats Granted Administrative Approval None
- 4. Plats Granted Final Approval (KPB 20.10.040) None
- 5. Plat Amendment Request None
- 6. Commissioner Excused Absences None

Dawson Slaughter, Southern Peninsula District

- 7. Minutes
 - KPB-6596 January 27, 2025 Planning Commission Meeting Minutes

Attachments: PC Minutes 012725 Draft

D. OLD BUSINESS - None

E. NEW BUSINESS

1.	<u>KPB-6597</u>	Building Setback Encroachment Permit; KPB File 2025-006
		Planning Commission Resolution 2025-02
		Swan Surveying / Isitt
		Request: Permits a portion of a 20.1' x 52.7' structure to remain
		approximately 2.4" in the 20' building setback adjacent to Fritz Street
		on Lot 5A, Schlereth Subdivision Sanders Addition, Plat KN 97-11
		Sterling Area
		Staff Person: Platting Manager Vince Piagentini
	Attachments:	E1. BSEP_Schlereth Sub Sanders Addn_Packet
		Notice Public_BSEP Schlereth Sub Sanders Addn
1.	<u>KPB-6598</u>	Building Setback Encroachment Permit; KPB File 2025-008
		Planning Commission Resolution 2025-03
		Edge Survey & Design / Presley
		Request: Permits a portion of a 32.2' x 43.3' garage to remain
		approximately 2' within the 20' building setback on Lot 4-C, Block 1,
		Echo Hills Subdivision No.2, Plat KN 81-142
		Kalifornsky Area
		Staff Person: Platting Manager Vince Piagentini
	<u>Attachments:</u>	E2. BSEP_Echo Hills Sub No. 2_Packet
		Notice Public BSEP Echo Hill Sub No. 2

F. PLAT COMMITTEE REPORT

G. OTHER

H. PUBLIC COMMENT/PRESENTATION

(Items other than those appearing on the agenda or scheduled for public hearing. Limited to five minutes per speaker unless previous arrangements are made)

I. DIRECTOR'S COMMENTS

J. COMMISSIONER COMMENTS

K. ADJOURNMENT

MISCELLANEOUS INFORMATIONAL ITEMS NO ACTION REQUIRED

NEXT REGULARLY SCHEDULED PLANNING COMMISSION MEETING

The next regularly scheduled Planning Commission meeting will be held Monday, February 24, 2025 in the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 North Binkley Street, Soldotna, Alaska at 7:30 p.m.

CONTACT INFORMATION KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

Phone: 907-714-2215 Phone: toll free within the Borough 1-800-478-4441, extension 2215 Fax: 907-714-2378 e-mail address: planning@kpb.us website: http://www.kpb.us/planning-dept/planning-home

A party of record may file an appeal of a decision of the Planning Commission in accordance with the requirements of the Kenai Peninsula Borough Code of Ordinances. An appeal must be filed with the Borough Clerk within 15 days of the notice of decision, using the proper forms, and be accompanied by the filing and records preparation fees. Vacations of right-of-ways, public areas, or public easements outside city limits cannot be made without the consent of the borough assembly.

Vacations within city limits cannot be made without the consent of the city council. The assembly or city council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received within the specified period, it shall be considered that consent was given.

A denial of a vacation is a final act for which the Kenai Peninsula Borough shall give no further consideration. Upon denial, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

Kenai Peninsula Borough Planning Commission

Betty J. Glick Assembly Chambers, Kenai Peninsula Borough George A. Navarre Administration Building

JANUARY 27 , 2025 8:05 P.M. UNAPPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Commissioner Brantley called the meeting to order at 7:30 p.m.

AGENDA ITEM B. ROLL CALL

Commissioners Present Jeremy Brantley, Sterling / Funny River Pamela Gillham, Kalifornsky/Kasilof District Virginia Morgan, Cooper Landing/Hope/Eastern Peninsula District

Dawson Slaughter, South Peninsula District Diane Fikes, City of Kenai Paul Whitney, City of Soldotna Franco Venuti, City of Homer

With 7 members of a 9-member seated commission in attendance, a quorum was present.

Staff Present Robert Ruffner, Planning Director Walker Steinhage, Deputy Borough Attorney Vince Piagentini, Platting Manager Aaron Hughes, Land Management Officer Ann Shirnberg, Planning Administrative Assistant Jenny Robertson, Land Management Administrative Assistant

AGENDA ITEM C. CONSENT & REGULAR AGENDA

*6. Commissioner Excused Absences

- a. Jeffery Epperheimer, Nikiski District
- b. City of Soldotna Vacant
- *7. Minutes
 - a. January 13, 2025 Planning Commission meeting minutes

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Whitney moved, seconded by Commissioner Gillham to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,	
Absent - 1	1 Epperheimer	

Chair Brantley asked Administrative Assistant Ann Shirnberg to read the hearing procedures into the record.

AGENDA ITEM E. NEW BUSINESS

ITEM #1 – ORDINANCE 2024-19-24

AUTHORIZING THE ACQUISITION OF 80 ACRES OF REAL PROPERTY LOCATED IN SEWARD, APPROPRIATING \$1,200,000 FROM THE LAND TRUST INVESTMENT FUND AND \$50,000 FROM THE LAND TRUST FUND FOR THE PURCHASE, AND AUTHORIZING THE MAYOR TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE STATE OF ALASKA MENTAL HEALTH TRUST AUTHORITY FOR THE COMPLETION OF A ROAD ACESS FEASIBILITY STUDY

Staff report given by Land Management Office Aaron Hughes.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Whitney to forward to the Assembly a recommendation to adopt Ordinance 2024-19-24: Authorizing the acquisition of 80 acres of real property located in Seward, appropriating \$1,200,000.00 from the Land Trust Investment Fund and \$50,000.00 from the Land Trust Fund for the purchase, and authorizing the mayor to enter into a memorandum of agreement with the State of Alaska Mental Health Trust Authority for the completion of a road access feasibility study.

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
Absent - 1	Epperheimer

ITEM #2 – ORDINANCE 2025-02

AUTHORIZING THE DISPOSAL OF REAL PROPERTY LOCATED IN KENAI NECESSARY TO RESOLVE TITLE MATTERS RELATED TO THE ERRONEOUS RECORDING OF A 1977 TAX FORECLOSURE DEED

Staff report given by Land Management Office Aaron Hughes.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Whitney moved, seconded by Commissioner Slaughter to forward to the Assembly a recommendation to adopt Ordinance 2025-02: Authorizing the disposal of real property located in Kenai necessary to resolve title matters related to the erroneous recording of a 1977 tax foreclosure deed.

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,	
Absent - 1	Absent - 1 Epperheimer	

ITEM #3 – ORDINANCE 2025-03 AMENDING KPB CHAPTER 21.20 RELATING TO HEARING AND APPEALS TO A HEARING OFFICER

Staff report given by Deputy Borough Attorney Walker Steinhage.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Whitney to forward to the Assembly a recommendation to adopt Ordinance 2025-03: Amending KPB Chapter 21.20 relating to hearing and appeals to a hearing officer.

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 7	Brantley, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,	
Absent - 1	ent - 1 Epperheimer	

AGENDA ITEM F. PLAT COMMITTEE REPORT

Commissioner Gillham reported the committee reviewed and granted preliminary approval to 3 plats.

AGENDA ITEM G. OTHER

- February 24, 2025 at 5:30 Training on the new material site code
 - Commissioner Fikes noted that she will not be able to attend this training.

AGENDA ITEM H. PRESENTATIONS / PUBLIC COMMENTS ON ITEMS NOT APPEARING ON THE AGENDA

Chair Brantley asked if there was anyone who wished to comment on anything that was not on the agenda. There was no one who wished to comment.

AGENDA ITEM K. ADJOURNMENT

Commissioner Fikes moved to adjourn the meeting at 8:48 P.M.

Ann E. Shirnberg Administrative Assistant

E. NEW BUSINESS

1. Building Setback Encroachment Permit; KPB File 2025-006 Planning Commission Resolution 2025-02 Swan Surveying / Isitt Request: Permits a portion of a 20.1' x 52.7' structure to remain approximately 2.4" in the 20' building setback adjacent to Fritz Street on Lot 5A, Schlereth Subdivision Sanders Addition, Plat KN 97-11 Sterling Area Staff Person: Platting Manager Vince Piagentini



Planning

Vicinity Map

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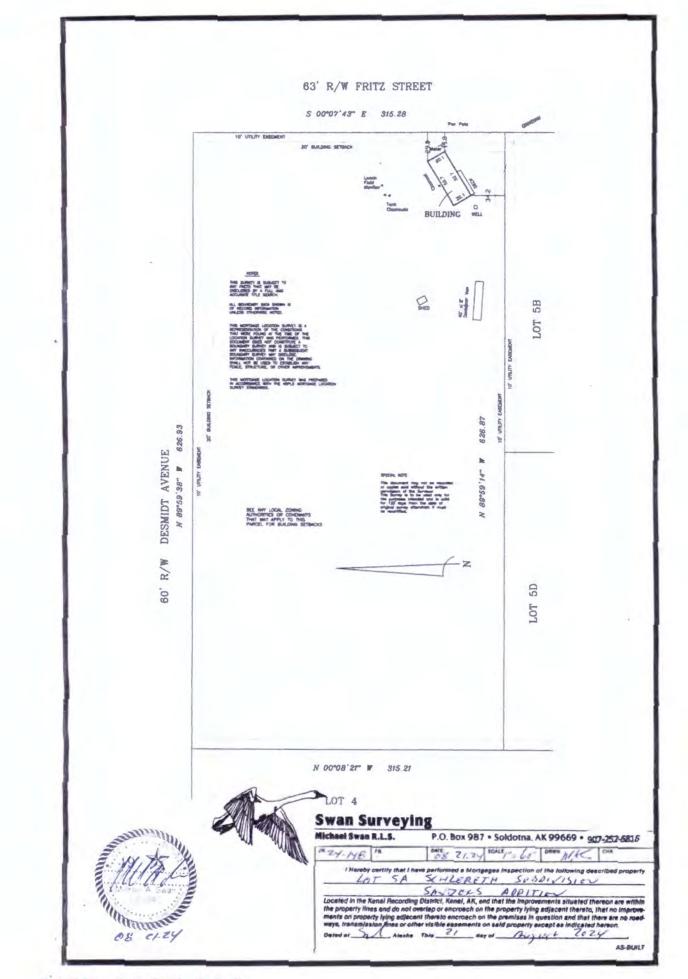
KENAI PENINSULA BOROUGH



Aerial Map



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KPB 2025-006

11

AGENDA ITEM E. NEW BUSINESS

ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT SCHLERETH SUBDIVSION SANDERS ADDITION LOT 5A

KPB File No.	2025-006
Planning Commission	February 10, 2025
Meeting:	
Applicant / Owner:	Alaina and Paul Isitt
Surveyor:	Michael A Swan
General Location:	Fritz Street, Sterling Area
Parent Parcel No.:	063-730-35
Legal Description:	Township 5 North, Range 9 West, Section 2, Seward Meridian, Kenai, Plat 97-
	11, Schlereth Subdivision Sanders Addition, Lot 5A
Assessing Use:	Residential Dwelling
Zoning:	Unrestricted
Resolution	2025-2

STAFF REPORT

Specific Request / Purpose as stated in the petition:

The house on the property is 2.5 inches inside the 20 foot building setback. I believe that requesting this building setback encroachment does not interfere with road maintenance, sight lines, and does not create a safety hazard.

Site Investigation:

According to the submitted survey drawing, the 20.1-foot by 52.7-foot structure encroaches into the 20-foot building setback line along Fritz Street. Specifically, the southeast corner portion of the structure extends approximately 0.2 feet into the setback.

No future developments or improvements of the structure are noted on the survey or application. Any new construction or additions, including a deck or porch or anything permanent in nature, would need to comply with the restrictions of the 20' building setback line and limits.

The parcel is located along Fritz Street which is a constructed road that extends from the south coming from Herta Avenue and ends at the driveway entrance of the lot at issue on the south end. Fritz St dedication continues north to Jacobsen Ave as an unfinished road. Fritz St is not Borough maintained and is instead privately maintained.

Jana Ave is located on the north side of Lot 5A and is an undeveloped 60 foot dedication.

Based on KPB imagery and Google Earth imagery, the encroachment does not obstruct or interfere with the sight lines along Fritz St. as the road does not continue past at this time. Future development of the road will not be affected either. Sight distance is not an issue with the structure considering the road stops at the applicant's driveway.

Staff Analysis:

Originally, the parcel was an aliquot portion of the NW 1/4 of Section 2, Township 5 North, Range 9 West, Seward Meridian, Alaska. Schlereth Subdivision, KN 75-21, subdivided a portion of the land into eight lots and dedicated rights-of-ways, including Fritz Street and Jana Avenue, Schlereth Subdivision included a plat note creating a minimum 20-foot building setback granted along all rights-of-ways. Schlereth Subdivision Sanders Addition, KN 97-11, subdivided Lot 5 into four lots, resulting in Lot 5A. This plat included a plat note indicating a 20-foot setback required from all street rights-of-way.

There appears to be minimal existing traffic due to the adjacent roads to the north and east being undeveloped. The building does not appear to be an issue for sight distance as it is positioned on a straight portion of the rightof-way and is approximately 19.8 feet from the potential future driving portion of the road.

The structure does not appear to affect the potential future development or maintenance of Fritz Street.

The topography of the road is relatively level to the south, at the intersection of Herta Avenue, and becomes steeper to the north, toward Jacobsen Avenue. No wetlands affect the subject parcel or right-of-way.

Applicant Discussion:

The house sits 2.4-4 inches inside of the 20 foot building setback perimeter, which is on a section of borough road easement that is unimproved. The driveway for this house is at the end of unmaintained borough road. Since there is no maintenance on our road, and no road currently where the setback encroachment is necessary, it would seem safe to allow this, and would not interfere with any of the stipulations/requirements set forth in paragraph E of KPB 20.10.110.

Applicant Findings:

- 1. There is no maintenance on this section of road.
- 2. It should not interfere with anything in the second statement (sight lines or distances) because of the minimal amount it intrudes into the set back (2.5 inches).
- 3. It should not create any safety hazards because of its location, especially since there are no other houses on the unimproved road.

Staff Findings:

- 4. There appears to be minimal traffic on Fritz St.as it ends at the applicant's driveway currently.
- 5. The building is set on a straight portion of the Fritz St right-of-way.
- 6. The building is approximately 19.8 feet from the dedicated portion of the road.
- 7. The topography of the road is relatively flat, falling to the south.
- 8. The constructed road stops near the south lot of the parcel and continues more as a driveway to the property on the south, and is undeveloped heading further north.
- 9. The 20' building setback was created by Schlereth Subdivision, plat KN 75-21.
- 10. According to Assessing information, the structure was built in 1988.

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 1-2 and 5-8 appear to support this standard.**

2. The building setback encroachment may not interfere with sight lines or distances. **Findings 2 and 5-8 appear to support this standard.**

3. The building setback encroachment may not create a safety hazard. **Findings 2-8 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.

KPR Poods Dont commonts	Nut of Invitation, No.
KPB Roads Dept. comments	Dut of Jurisdiction: No
	Roads Director: Griebel, Scott
	Comments:
	etback is not directly managed by the RSA. The roadway is not currently
	naintained by the department, but appears that the encroachment would
	not interfere with future potential service. Fritz St is a straight ROW. It is
	inlikely that obstructed sightlines would influence roadway safety. No
	urther comment of objections by the RSA
	lo Response
	A. Floodplain
R	Reviewer: Hindman, Julie
F	loodplain Status: Not within flood hazard area
C	Comments: No comments
B	B. Habitat Protection
	Reviewer: Aldridge, Morgan
	labitat Protection District Status: Is NOT within HPD
}	Comments: No comments
	lo Response
	Reviewer: Leavitt, Rhealyn
A	Affected Addresses: 39715 FRITZ ST
	xisting Street Names are Correct: Yes
	Aisting Street Names are Correct. Tes
	ist of Correct Street Names: DESMIDT AVE, FRITZ ST
E	ixisting Street Name Corrections Needed:
A	All New Street Names are Approved: No
	ist of Approved Street Names:
Li	ist of Street Names Denied:
	Comments: No other comments
Code Compliance R	Reviewer: Ogren, Eric
	Comments: if the exception is not granted then the building would need to
m	nove or be altered to meet code.
Planner R	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.

KPB department / agency review:

Page 3 of 4

	Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather
	Comments: No comment

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to grant approval for the portion of structures within the 20 foot building setback as shown on the 2024 as-built survey, subject to:

- 1. Compliance with KPB 20.10.110 sections F and G.
- 2. Providing a current as-built with recommended corrections as noted below, to be used as an exhibit drawing for Resolution 2025-2, prepared, signed, and sealed by a licensed land surveyor.
- 3. 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.
- 4. Additional encroachments found on the new as-built will require a new hearing.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Plat label to the west needs corrected to Tract 4 rather than Lot 4.
- Text does not meet code for size requirement. Either drawing needs corrects or printed at a larger format.
- Note on survey states it is not to be recorded or used without surveyor's permission. New copy submitted will need to have permission to be recorded with the resolution when re-submitted.

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

KENAI PENINSULA BOROUGH PLANNING COMMISSION RESOLUTION 2025-2 KENAI RECORDING DISTRICT

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 5A, SCHLERETH SUBDIVISION SANDERS ADDITION (KN 0970011); IN NE 1/4 S02, T05N, R09W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-006

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, Paul and Alaina Isitt of Soldotna, AK requested a building setback encroachment permit to the 20-foot building setback granted by Schlereth Subdivision Sanders Addition (KN 0970011); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, February 10, 2025, 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

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:

<u>Section 1</u>. That the 20-foot building setback limit on KN 0970011 Lot 5A is hereby excepted to accommodate only the encroaching portion of the Building.

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

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

<u>Section 4</u>. 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.

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

<u>Section 6</u>. 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 ______, 2025.

Jeremy Brantley, Chairperson Planning Commission ATTEST:

Ann Shirnberg, Administrative Assistant

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

Kenai Peninsula Borough Planning Commission Resolution 2025-2

Page 1 of 2



KENAI PENINSULA BOROUGH



Aerial Map





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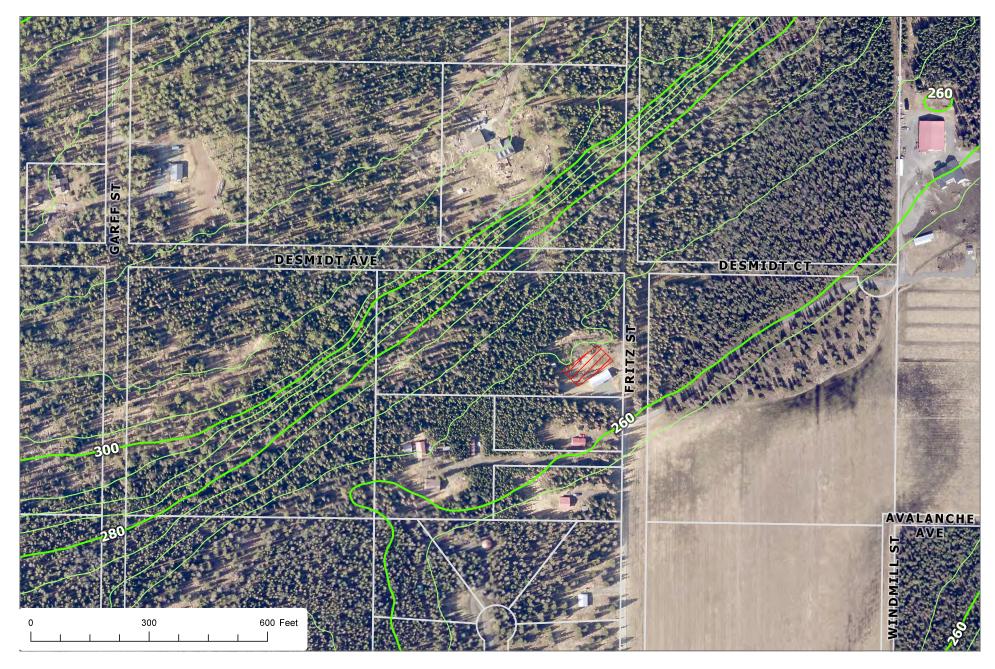




Aerial with 5-foot Contours

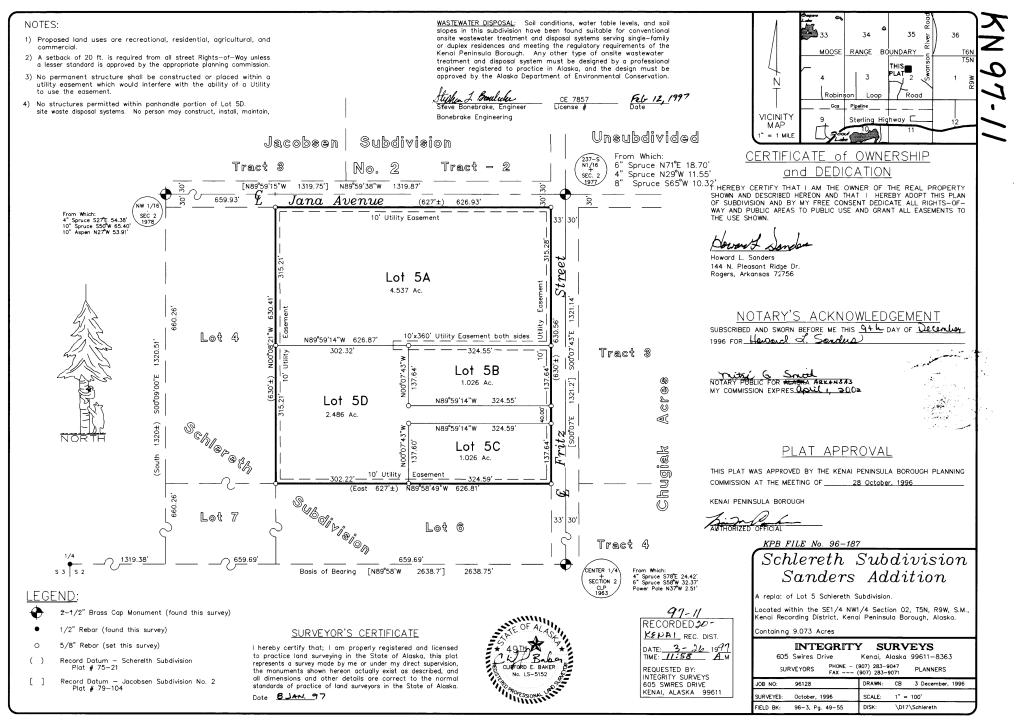


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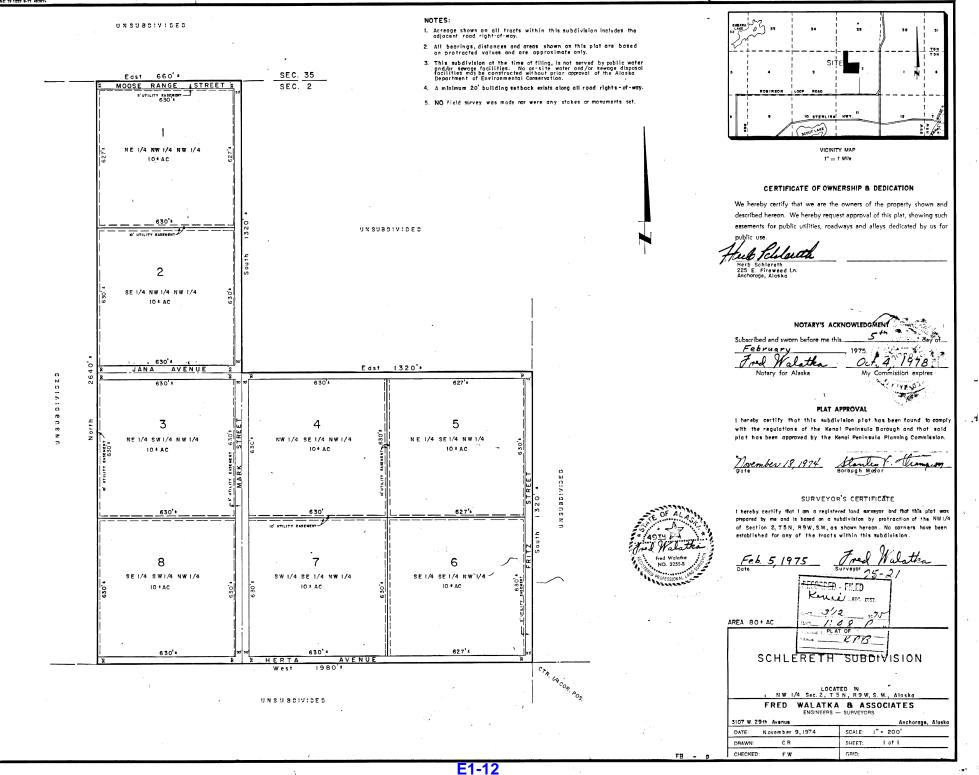
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144 North Binkley Street, Soldotna, AK 99669 | (P) 907-714-2200 | (F) 907-714-2378 | www.kpb.us

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF BUILDING SETBACK ENCROACHMENT PERMIT

Public notice is hereby given that a building setback encroachment permit application was received on 1/17/2025. You are being sent this notice because you are within 300 feet of the subject parcel and are invited to comment.

The building setback encroachment permit application is for the following property:

<u>Request / Affected Property:</u> Permits the southeast corner portion of a 20.1-foot by 52.7-foot structure to remain approximately 2.4 inches in the 20-foot building setback adjacent to Fritz Street.

KPB File No. 2025-006

Petitioner(s) / Land Owner(s): Paul and Alaina Isitt of Soldotna, AK.

<u>Purpose as stated in petition</u>: The house on the property is 2.5 inches inside the 20 foot building setback. I believe that requesting this building setback encroachment does not interfere with road maintenance, sight lines, and does not create a safety hazard.

Building setback encroachment permit reviews are conducted in accordance with KPB Subdivision Ordinance.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, February 10, 2025**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend the meeting using Zoom from a computer visit **https://us06web.zoom.us/j/9077142200**. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <u>https://www.kpb.us/planning-dept/planning-commission</u>.

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to <u>planning@kpb.us</u>, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM**, **Friday, February 7, 2025.** The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <u>https://kpb.legistar.com/Calendar.aspx</u>. Use the search options to find the correct timeframe and committee.

For additional information contact Heidi Anderson (handerson@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mailed 1/21/2025

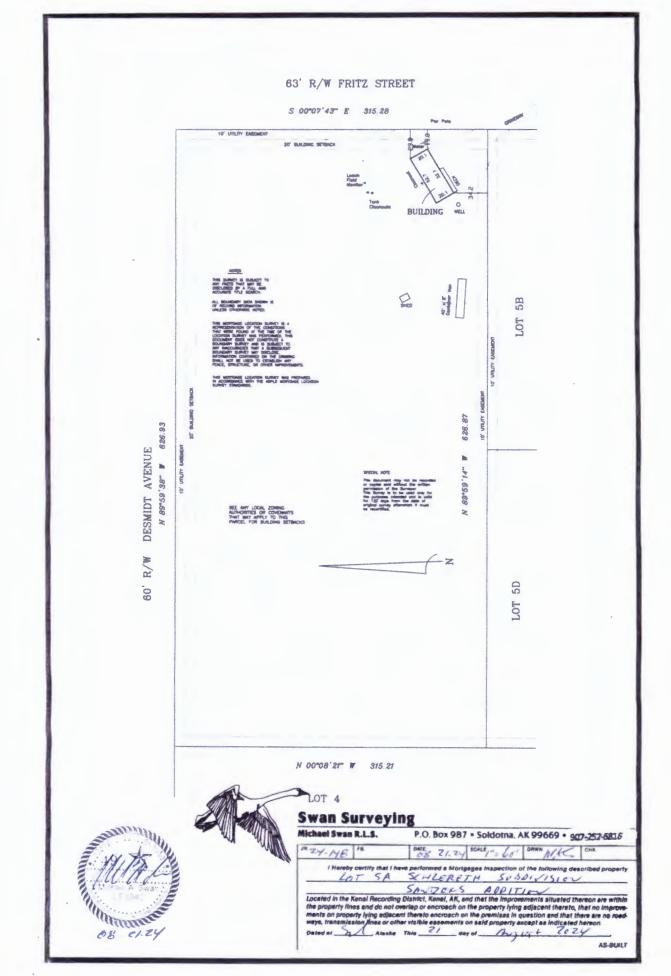


Planning

Vicinity Map







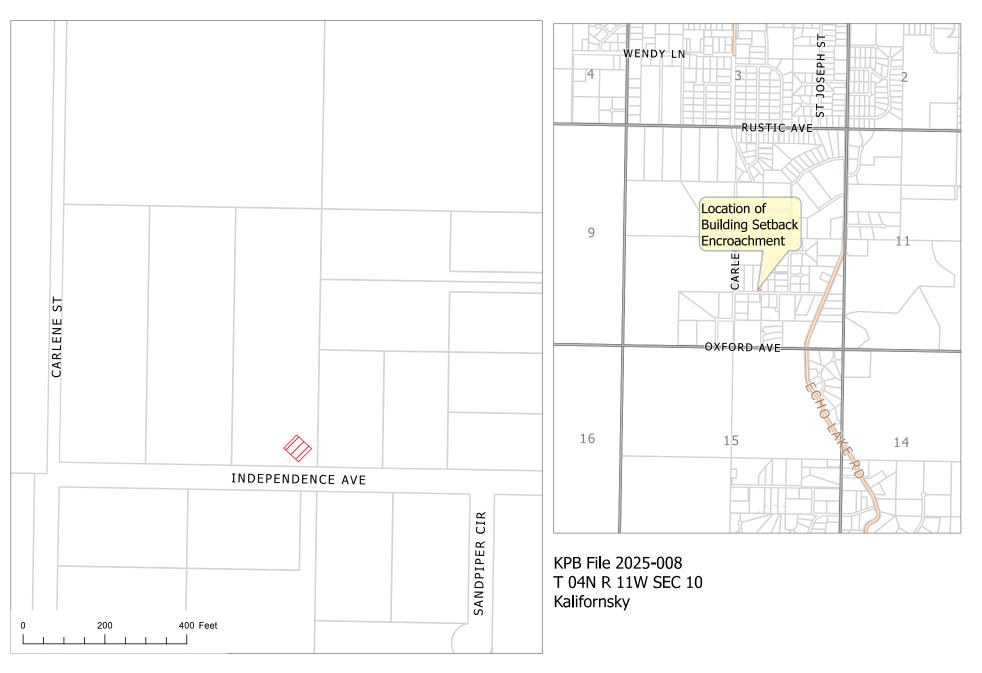
KPB 2025-006

E. NEW BUSINESS

2. Building Setback Encroachment Permit; KPB File 2025-008 Planning Commission Resolution 2025-03 Edge Survey & Design / Presley Request: Permits a portion of a 32.2' x 43.3' garage to remain approximately 2' within the 20' building setback on Lot 4-C, Block 1, Echo Hills Subdivision No.2, Plat KN 81-142 Kalifornsky Area Staff Person: Platting Manager Vince Piagentini







Vicinity Map

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1/21/2025

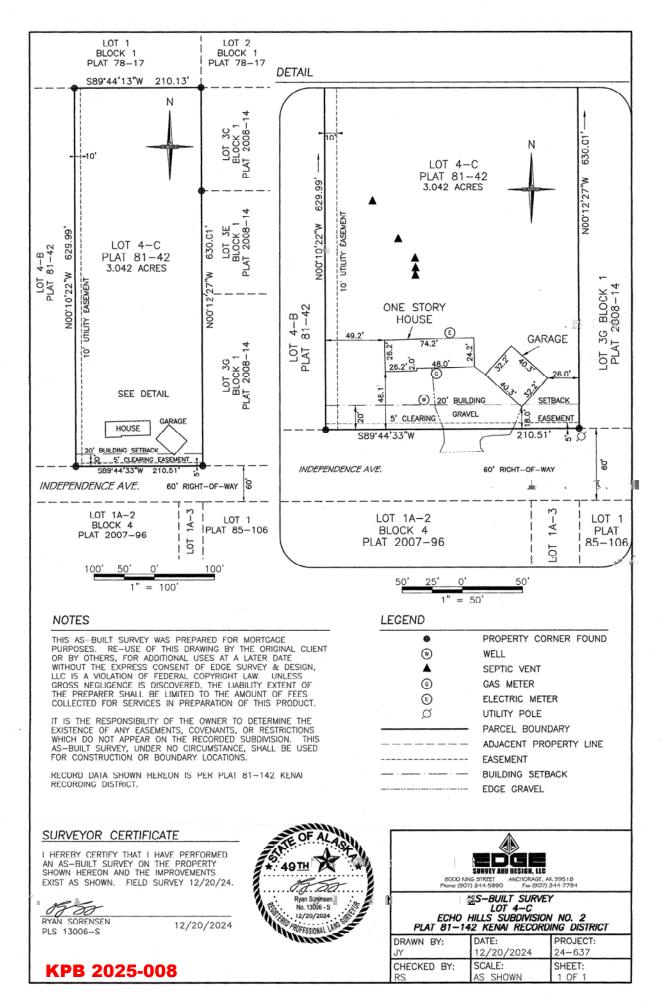






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E2-2



AGENDA ITEM E. NEW BUSINESS

ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT LOT 4-C BLOCK 1, ECHO HILLS SUBDIVISION NO 2 KN81-142

KPB File No.	2025-008
Planning Commission	February 10, 2025
Meeting:	
Applicant / Owner:	Cameron & Genevieve Presly of Soldotna
Surveyor:	Ryan Sorenson Edge Survey and Design, LLC
General Location:	Independence Ave in Echo Lake area
Parent Parcel No.:	131-670-04
Legal Description:	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 0810142 ECHO HILLS SUB NO
	2 LOT 4-C BLK 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition:

2025-3

Grant a building setback encroachment permit to a portion of the 20' building setback for Lot 4-C Block 1, Echo Hills Subdivision No. 2 KN81-142.

Site Investigation:

Resolution

There are two structures shown on the as-built drawing submitted by the applicant. The house structure is compliant with the building setback line and is not at issue. the garage structure is shown to be encroaching into the 20' building setback by 2.0 feet, leaving 18.0 feet of the setback available. No indication of new construction or addition to the existing structures was noted in the application. Any new construction or additions will need to be done to conform with the 20' building setback line restrictions.

Independence Ave is a 60' dedication on the south, having the road constructed. According to KPB imagery, the garage structure does not appear to be a hazard to visibility or road maintenance.

Independence Ave is maintained by the Kenai Peninsula Borough Road Department.

Staff Analysis:

The land was originally part of the SE1/4 of Sec 10, Township 4 North, Range 11 West S.M Alaska. Echo Hills Subdivision KN 77-143 divided the SE1/4 in four blocks containing seventeen lots total and three full right-of-way dedications and three half right-of-way dedications. KN78-17 Amended the plat for a found typo becoming the official plat filing. On Echo Hills Subdivision KN78-17 is noted a 20' bldg. setback along all dedicated R/W's (right-of-ways). Echo Hills Subdivision No. 2 KN 81-142 subdivided Lot 4 Block 1 into three new lots. KN81-142 carried forward the 20' building setback line along all street right-of-ways as a note on the plat.

The terrain on the parcel is flat, with the land dropping off towards the north of the parcel. The land slopes at an angle of approximately 3 percent down as it goes north away from the road. With the road being on the high side, this helps to keep the garage out of the line of sight for traffic on Independence Ave.

Looking at the KPB GIS map, this does not appear to be a high traffic area, as from this property on to the west is a dead end with only eleven residential homes shown beyond at this time.

Applicant Discussion:

Applicant Findings:

- 1. The garage building setback encroachment does not interfere with road maintenance efforts. The garage corner closest to the right-of-way is 38 feet from the maintained surface of Independence Ave and 28 feet from any snow berm storage or any required maintenance efforts of Independence Ave.
- 2. Independence Ave is a straight road and the garage is well out of the necessary line of sight while traveling independence Ave.
- 3. There is existing vegetation and trees closer than the garage that do not create an issue with line of sight.
- 4. The garage corner is just 2 feet into the building setback and does not create any safety hazard while traveling Independence Ave.
- 5. Independence Ave has low traffic pattern with only 9 homes located beyond this parcel.
- 6. Recent owners recently purchased property and are not responsible for the placement of the garage.

Staff Findings:

- 7. The 20' building setback was created by Echo Hills Subdivision KN77-143 Amended at KN78-17.
- 8. According to assessing information the detached garage was built in 1990.

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 1 & 3** appear to support this standard.

2. The building setback encroachment may not interfere with sight lines or distances. **Findings 2 – 4 appear to support this standard.**

3. The building setback encroachment may not create a safety hazard. **Findings 4 & 5 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 Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Griebel, Scott Comments: Setback is not directly managed by the RSA. The roadway is currently maintained by the department. The encroachment does not interfere with service operations nor sightline safety. No further comment or objections by the RSA.
KPB River Center review	A. Floodplain
	Reviewer: Hindman, Julie
	Floodplain Status: Not within flood hazard area Comments: No comments
	Comments. No comments

KPB department / agency review:

	B. Habitat Protection
	Boviower: Aldridge, Mergen
	Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD
	Comments: No comments
Addressing	Reviewer: Leavitt, Rhealyn
Addressing	Affected Addresses:
	48390 INDEPENDENCE AVE
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	INDEPENDENCE AVE
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Street Names Denied:
	Comments:
	No other comments
Code Compliance	Reviewer: Ogren, Eric
	Comments: if this exception is not granted, then the building would need to
	be moved or altered to meet code.
Planner	Reviewer: Raidmae, Ryan
	There are not any Local Option Zoning District issues with this proposed plat.
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather
	Comments: No comment

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2025-3, subject to compliance with KPB 20.10.110 sections F and G.

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.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add Block 2 to the lot labels for adjacent lot to the west and the current lot. Revise plat label to KN 81-142 for adjacent lot to the west and the current lot. Add Block 4 to the parcel to the south Modify all the labels of 'Plat' in the lot labels to 'KN'

END OF STAFF REPORT

E2-6

KENAI PENINSULA BOROUGH PLANNING COMMISSION RESOLUTION 2025-3 KENAI RECORDING DISTRICT

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 4-C, BLOCK 1, ECHO HILLS SUBDIVISION NO. 2 (KN 0810142); IN NE 1/4 S10, T04N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-008

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, Camron C. and Genevieve E. Presley of Soldotna, AK requested a building setback encroachment permit to the 20-foot building setback granted by Echo Hills Subdivision No. 2 (KN 0810142); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, February 10, 2025, 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

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:

<u>Section 1</u>. That the 20-foot building setback limit on KN 0810142 Lot 4-C, Block 1 is hereby excepted to accommodate only the encroaching portion of the Garage.

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

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

<u>Section 4</u>. 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.

<u>Section 6</u>. 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 ______, 2025.

Jeremy Brantley, Chairperson Planning Commission ATTEST:

Ann Shirnberg, Administrative Assistant

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

Kenai Peninsula Borough Planning Commission Resolution 2025-3

Page 1 of 2



KENAI PENINSULA BOROUGH



Aerial Map

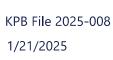


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E2-8



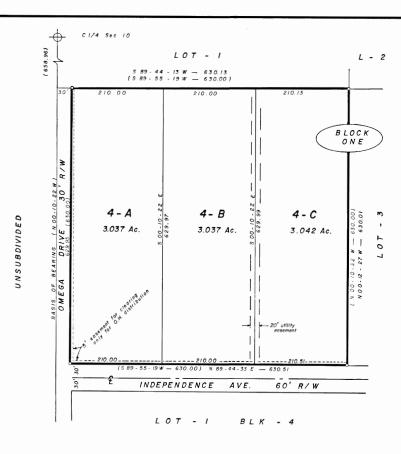




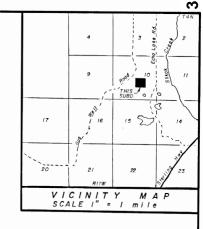
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LEGEND AND NOTES

- ← Found official AI. survey monument. (3932-5 1977)
 Found 1/2" × 24" steel rebar.
- \perp Set 1/2" X 24" steel rebar at lot corners. () Indicates data of record.
 - All bearings refer to the N-S centerline of Sec. 10 as being N 00-10-22 W data of record.

All wastewater treatment and disposal systems shall comply with existing law at time of construction.

Building set back—A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

PLAT APPROVAL



CERTIFICATE OF OWNERSI !!? AND DEDICATION

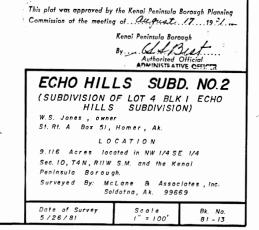
We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by as for public use.

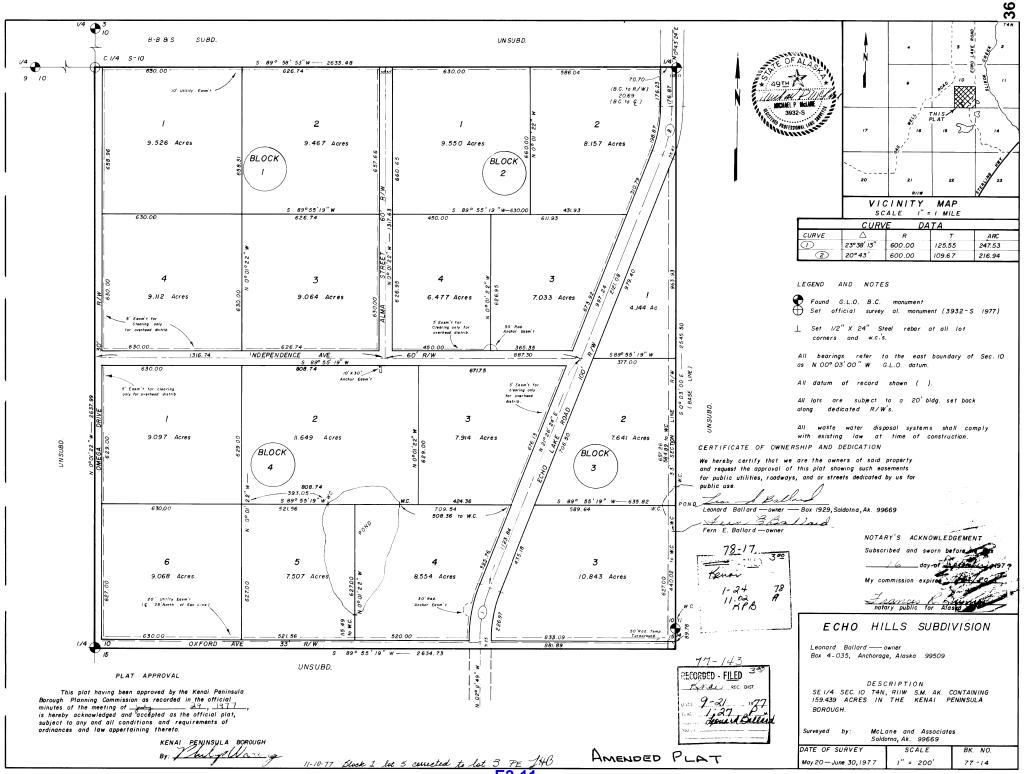
0 Wilford S. Jones and Reido L. Jones SI. RI. A BOX SI, Homer, AL. 99669 F 11 5 10

NOTARY'S ACKNOWLEDGEMENT Notary for Wilford S. Jones and Neldo L. Jones Subscribed and sworn before me this State of At. day of Sept. 1981. My commission expires 11/228/24 My commission expires 11/228/24 My commission expires 11/228/24

and a second second

E2-10





E2-11



144 North Binkley Street, Soldotna, AK 99669 | (P) 907-714-2200 | (F) 907-714-2378 | www.kpb.us

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF BUILDING SETBACK ENCROACHMENT PERMIT

Public notice is hereby given that a building setback encroachment permit application was received on 1/16/2025. You are being sent this notice because you are within 300 feet of the subject parcel and are invited to comment.

The building setback encroachment permit application is for the following property:

<u>Request / Affected Property:</u> Permits the southern corner portion of a 32.2-foot by 40.3-foot garage to remain approximately 2 feet within the 20-foot building setback.

KPB File No. 2025-008

Petitioner(s) / Land Owner(s): Camron C. and Genevieve E. Presley of Soldotna, AK.

<u>Purpose as stated in petition</u>: The garage building setback encroachment does not interfere with road maintenance efforts. The garage building setback encroachment does not interfere with line of sight while traveling on Independence Ave. The garage building setback encroachment does not create any safety hazard. The garage is 18 feet from the property line and 38 feet from the drivable surface of Independence Ave. Current owners recently purchased property and are not responsible for placement of the garage.

Building setback encroachment permit reviews are conducted in accordance with KPB Subdivision Ordinance.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, February 10, 2025**, commencing at **7:30 p.m.**, or as soon thereafter as business permits. The meeting is being held in person at the Betty J. Glick Assembly Chambers of the Kenai Peninsula Borough George A. Navarre Administration Building, 144 N. Binkley Street, Soldotna, Alaska. This meeting will also be held via Zoom, or other audio or video conferencing means whenever technically feasible.

To attend the meeting using Zoom from a computer visit **https://us06web.zoom.us/j/9077142200**. You may also connect to Zoom by telephone, call toll free **1-888-788-0099** or **1-877-853-5247**. If calling in you will need the Meeting ID of 907 714 2200. Additional information about connecting to the meeting may be found at <u>https://www.kpb.us/planning-dept/planning-commission</u>.

Anyone wishing to testify may attend the meeting in person or through Zoom. Written testimony may be submitted by email to <u>planning@kpb.us</u>, or mailed to the attention of Beverly Carpenter, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. [Written comments may also be sent by Fax to 907-714-2378]. All written comments or documents must be submitted by **1:00 PM**, **Friday, February 7, 2025.** The deadline to submit written comments or documents does not impact the ability to provide verbal testimony at the public hearing.

Additional information such as staff reports and comments are available online. This information is available the Monday prior to the meeting and found at <u>https://kpb.legistar.com/Calendar.aspx</u>. Use the search options to find the correct timeframe and committee.

For additional information contact Heidi Anderson (handerson@kpb.us) or Beverly Carpenter (BCarpenter@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

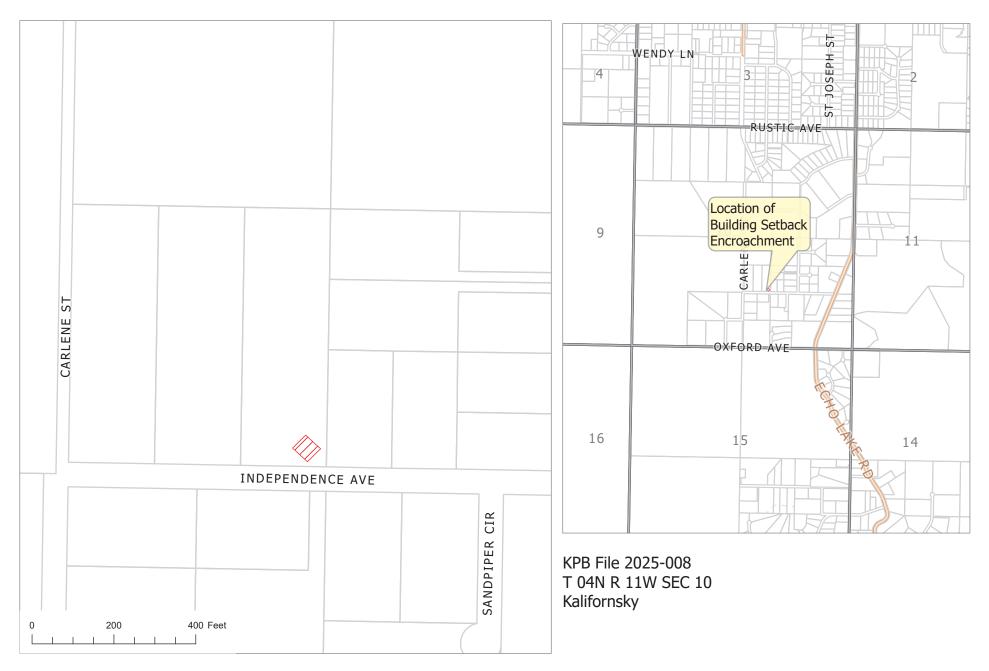
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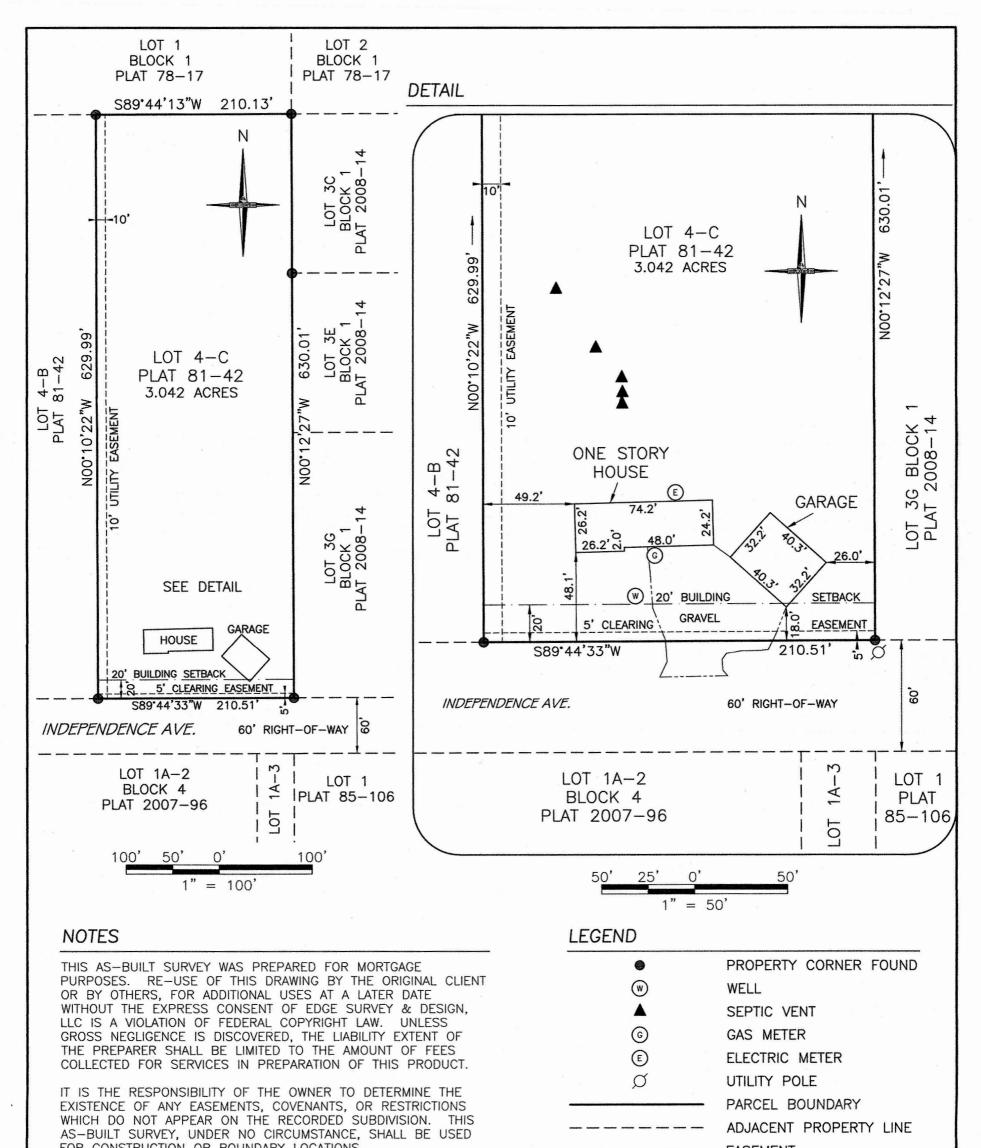




Vicinity Map







FUR	CONSTRUCTION	OK BUUNDART	LUCATIONS.
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RECORD DATA SHOWN HEREON IS PER PLAT 81-142 KENAI RECORDING DISTRICT.

	EASEMENT
· · ·	BUILDING SETBACK
	EDGE GRAVEL

SURVEYOR CERTIFICATE

KPB 2025-008

I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HEREON AND THE IMPROVEMENTS EXIST AS SHOWN. FIELD SURVEY 12/20/24.

RYAN SORENSEN PLS 13006-S

12/20/2024

No. 13006 - S

12/20/2024

TO FESSION

SURVEY AND DESIGN, LLC 8000 KING STREET ANCHORAGE, AK 99518 Phone (907) 344-5990 Fax (907) 344-7794 AS-BUILT SURVEY LOT 4-C ECHO HILLS SUBDIVISION NO. 2 PLAT 81-142 KENAI RECORDING DISTRICT PROJECT: DRAWN BY: DATE: 12/20/2024 24 - 637JY CHECKED BY: SCALE: SHEET:

AS SHOWN

1 OF 1