

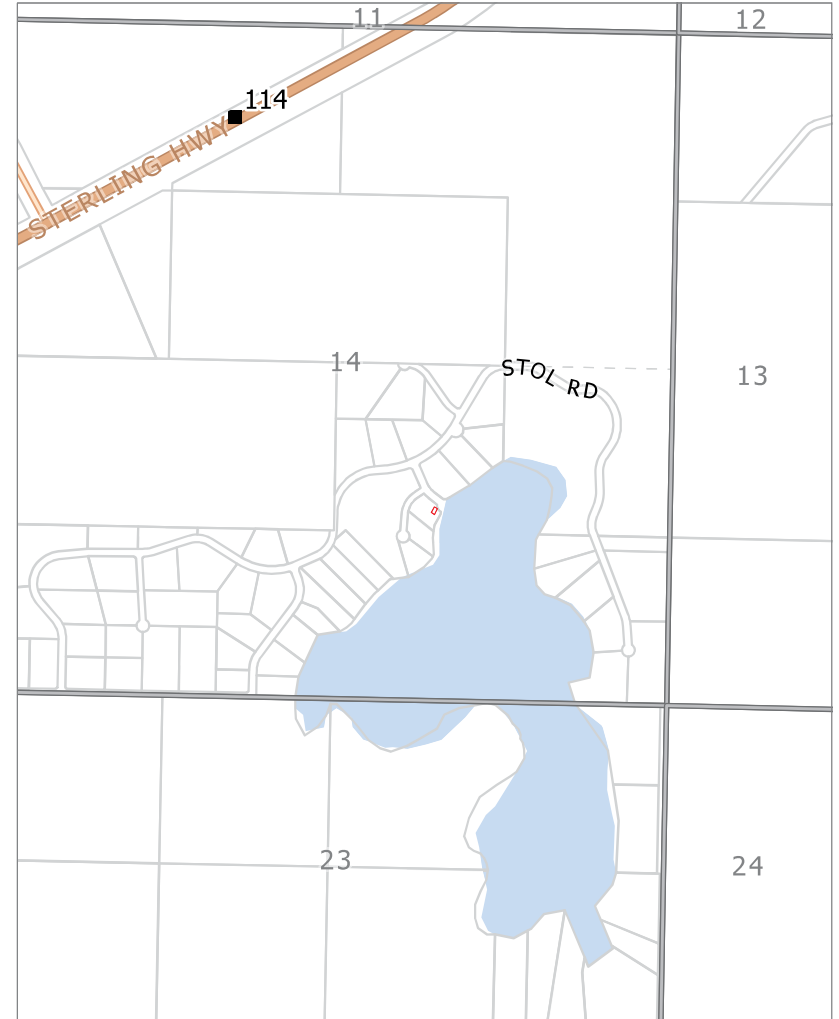
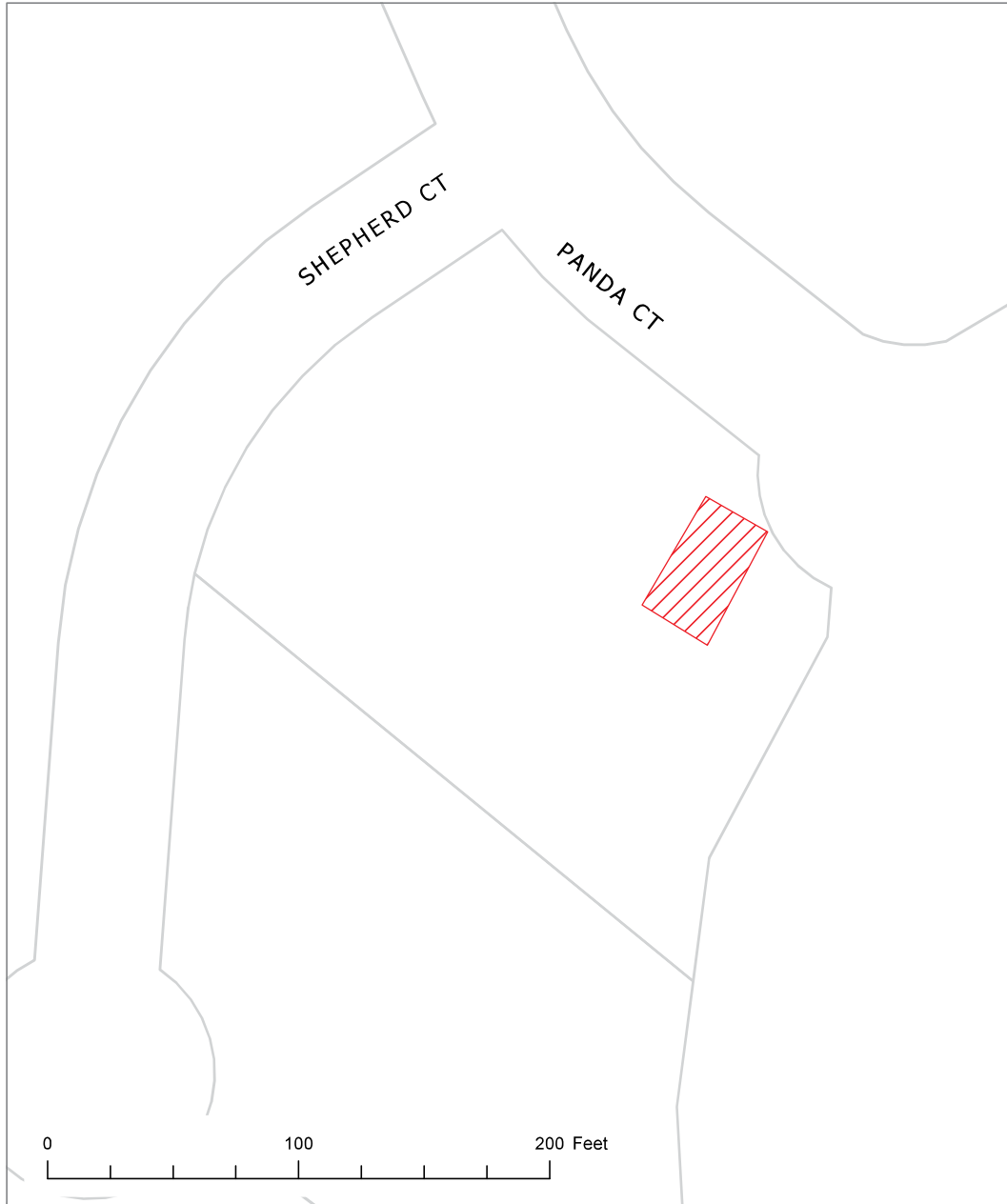
E. NEW BUSINESS

2. Building Setback Encroachment Permit; KPB File 2023-068

Petitioners/Landowners: Henry & Susan Novak

Request: Permits a high tunnel to remain the 20' setback

**Location: Block 3, Tract B-5A, Tolum Sub No. 5, Plat KN 2002-17
Cohoe Area**



KPB File 2023-068
T 02N R 12W SEC 14
Cohoe



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.

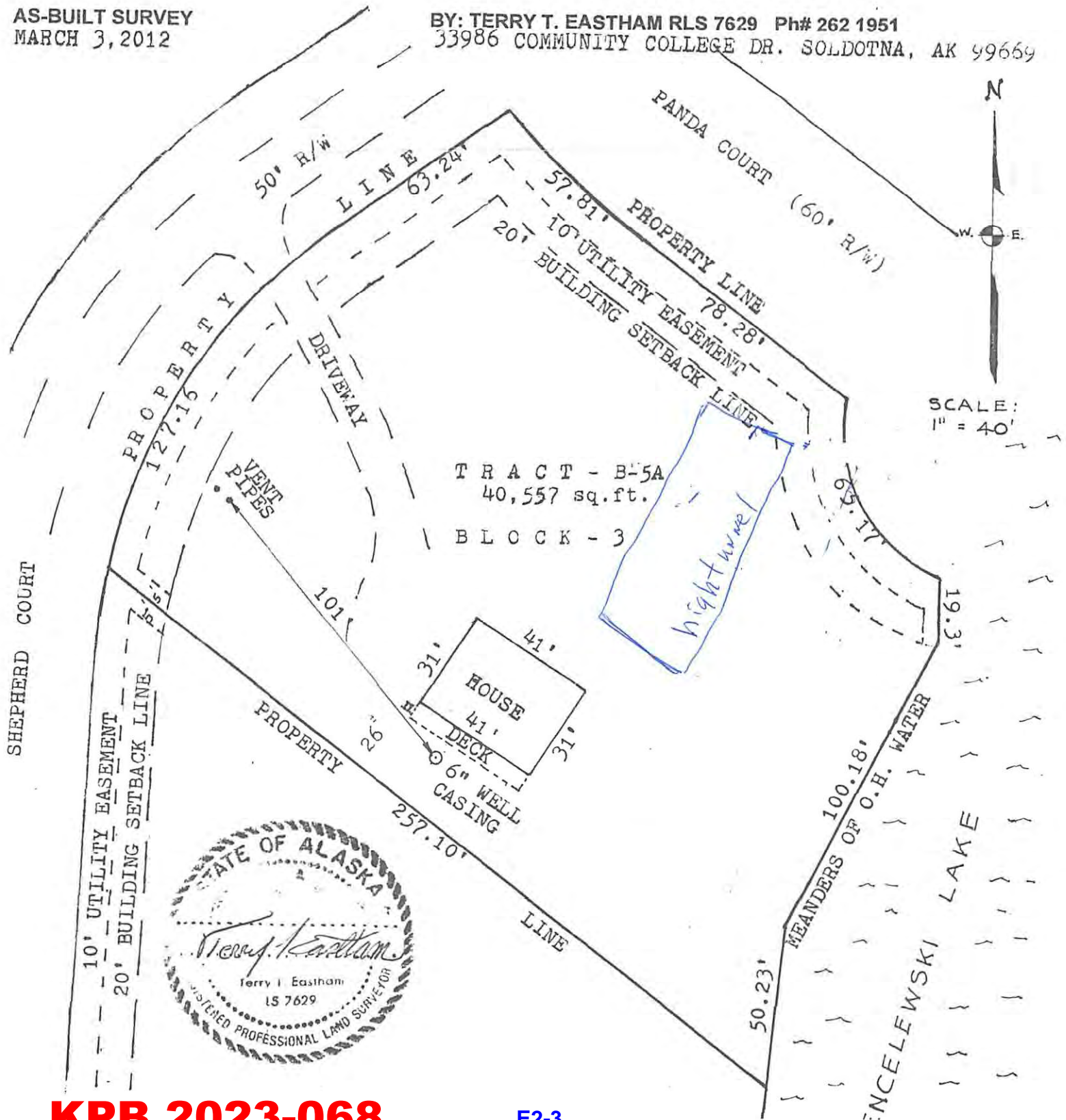
CERTIFICATION :

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LOCATION OF THE IMPROVEMENTS ON TRACT-B-5A BLOCK-3 OF TOLU SUBDIVISION NO.5 (2002-17) KENAI RECORDING DISTRICT KENAI RECORDING DISTRICT, AK.

1. SAID IMPROVEMENTS ARE WITHIN THE PROPERTY LINES AS SHOWN HEREON,
2. NO IMPROVEMENTS ON THE ADJOINING PROPERTY ENCROACH ON TRACT-B-5A
3. NO ROADWAYS, TRANSMISSION LINES, OR VISIBLE EVIDENCE OF EASEMENTS CROSS TRACT-B-5A.

AS-BUILT SURVEY
MARCH 3, 2012

BY: TERRY T. EASTHAM RLS 7629 Ph# 262 1951
33986 COMMUNITY COLLEGE DR. SOLDOTNA, AK 99669



KPB 2023-068

E2-3

AGENDA ITEM E. NEW BUSINESS

ITEM 2. – BUILDING SETBACK ENCROACHMENT PERMIT – TOLUM SUBDIVISION NO 5

KPB File No.	2023-068
Planning Commission Meeting:	August 14, 2023
Applicant / Owner:	Henry and Susan Novak of Kasilof, Alaska
Surveyor:	None
General Location:	Panda Court, Cohoe area

Parent Parcel No.:	137-051-49
Legal Description:	Tract B-5A Block 3, Tolum Subdivision No 5, KN 2002-17
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition: Did not realize that the property lines were not strait. A corner of my high tunnel is 15 feet from the edge of my property. It is still on my property just 15 feet from edge of property instead of 20 feet.

Site Investigation: Per the as built, dated March 3, 2012, submitted with the application only a house was constructed on the subject parcel and the high tunnel was built later. This petition is to allow the constructed high tunnel to remain in the current location. Panda Court is a 60 foot right away ending in a partial bulb to provide access to Encelewski Lake. Panda Court is accessed off of borough maintained Stol Road at approximately mile 115 of the Sterling Highway. Panda Court was dedicated on parent plat Tolum Subdivision KN 84-84.

In reviewing KPB GIS imagery Panda Court is mostly unconstructed except for driveways currently used for the subject parcel. There are no street views available for this area on Google Earth. At the lake boundary of Panda Court there is approximately 97 feet of dedicated right-of-way that could provide unobstructed views along the dedication.

Staff Analysis: This area has been subdivided several times and was originally aliquot parcels. Tolum Subdivision KN 84-84 created Tract B, dedicated Panda Court, and granted 20 foot building setbacks along all rights-of-way. Tract B was subdivided further by Tolum Subdivision No 4 KN 2001-70 to create Tract B-5. Tract B-5 was subdivided again to create the current configuration of Tract B-5A Tolum Subdivision No 5 KN 2002-17.

Encelewski Lake creates the boundary of the parcel to the east and south and is the extent of the wetland classifications for the subject parcel.

Terrain for the area is relatively flat with some gradual slopes going west to east through the area leading to the lake.

Panda Court provides access to the lake and the two parcels on each side of the dedication. Shepard Court branches off to the west of Panda Court and is before the encroachment.

Findings:

1. There are no parcels passed the encroachment due to the lake.
2. Panda Court is a partial bulb cul-de-sac with approximately 97 feet of dedication width at the end.
3. The lot size is 40,557 sq. ft.
4. There is a 20-foot setback on the north and east side of the lot.
5. 15 feet of the building setback will remain.

6. Panda Court is partially unconstructed, but not at this part at issue.
7. The structure was built by mistake understanding of the lot configuration.

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, 5 & 6 appear to support this standard.
 2. The building setback encroachment may not interfere with sight lines or distances.
Findings 1, 2, 5 & 6 appear to support this standard.
 3. The building setback encroachment may not create a safety hazard.
Findings 1, 2, & 4 – 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: Panda is unmaintained ROW. This site has been contentious concerning the public lake access development. The location of the high tunnel does not likely present an impact to access.
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: VACANT Comments:
State of Alaska Fish and Game	
Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 19345 PANDA CT

	<p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: PANDA CT, SHEPHERD CT</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</p> <p>Comments: Encroachment into the 20ft needs approval and if denied would need to be moved or modified</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>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	<p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p>

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.
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.

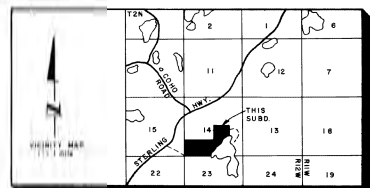
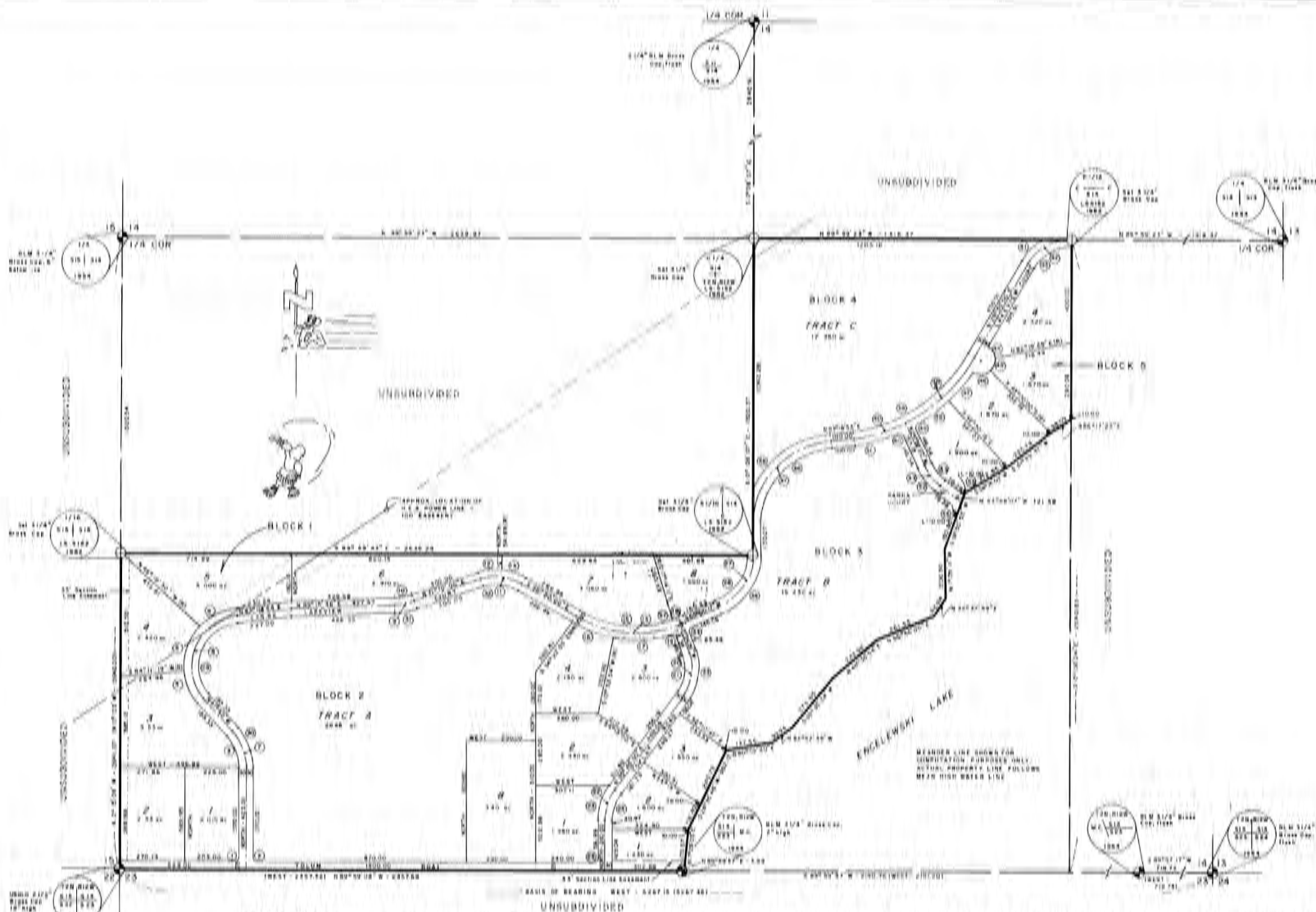
NOTE:

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.



CERTIFICATE OF OWNERSHIP and DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN AND DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

Jim Shepherd *Mary Shepherd* *Brian Swett*
 JIM & MARY SHEPHERD BRIAN SWETT
 BOX 9001 BOX-90025
 KENAI, ALASKA 99503 CLEAR, ALASKA 99704

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 13 DAY OF March 1984 FOR *Jim Shepherd Mary Shepherd Brian Swett*

Debi A. Mullen
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 12/18/87

PLAN APPROVAL

THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 11, 1983

KENAI PENINSULA BOROUGH
W. H. Hest
 AUTHORIZED OFFICIAL

CERTIFICATE OF APPROVAL BY THE TOLU SUBDIVISION

DEPARTMENT OF ENVIRONMENTAL CO-SERVATION
 THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18-AC72.010 AND IS APPROVED SUBJECT TO ANY NOTED REVISIONS.

Robert J. Jensen 3-20-84
 SIGNATURE TITLE DATE



CLIFFORD E. BAKER, R.L.S.
 REGISTRATION NO. LS-5152

84-84
 RECORDED FILED 1000
 Kenai
 DATE 4-26-84
 TIME 2:42 P
 BY *Ken-Jen-C*
 325638

CURVE DATA											
NO.	RADIUS	DELTA	CHORD BEARING	LENGTH	TANGENT	CHORD LENGTH	NO.	RADIUS	DELTA	CHORD BEARING	LENGTH
1	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	19	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
2	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	20	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
3	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	21	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
4	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	22	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
5	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	23	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
6	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	24	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
7	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	25	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
8	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	26	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
9	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	27	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
10	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	28	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
11	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	29	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
12	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	30	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
13	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	31	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
14	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	32	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
15	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	33	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
16	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	34	100.00	297.00 42°	N 40°00'00" E	34.85	200.00
17	100.00	297.00 42°	N 40°00'00" E	34.85	200.00	35	100.00	297.00 42°	N 40°00'00" E	34.85	200.00

TOLU SUBDIVISION

A subdivision of the S1/2 SW1/4, W1/2 SE1/4, Section 14, T2N, R12W, S.M., Alaska

CONTAINING AC INTO 19 LOTS AND 3 TRACTS

EARL - JEA - ANN
 SURVEYORS

BOX 1831
 DATE MARCH 1984
 SHEET 1 OF 1
 DRAWN S.D.T.
 CHECKED C.E.B.

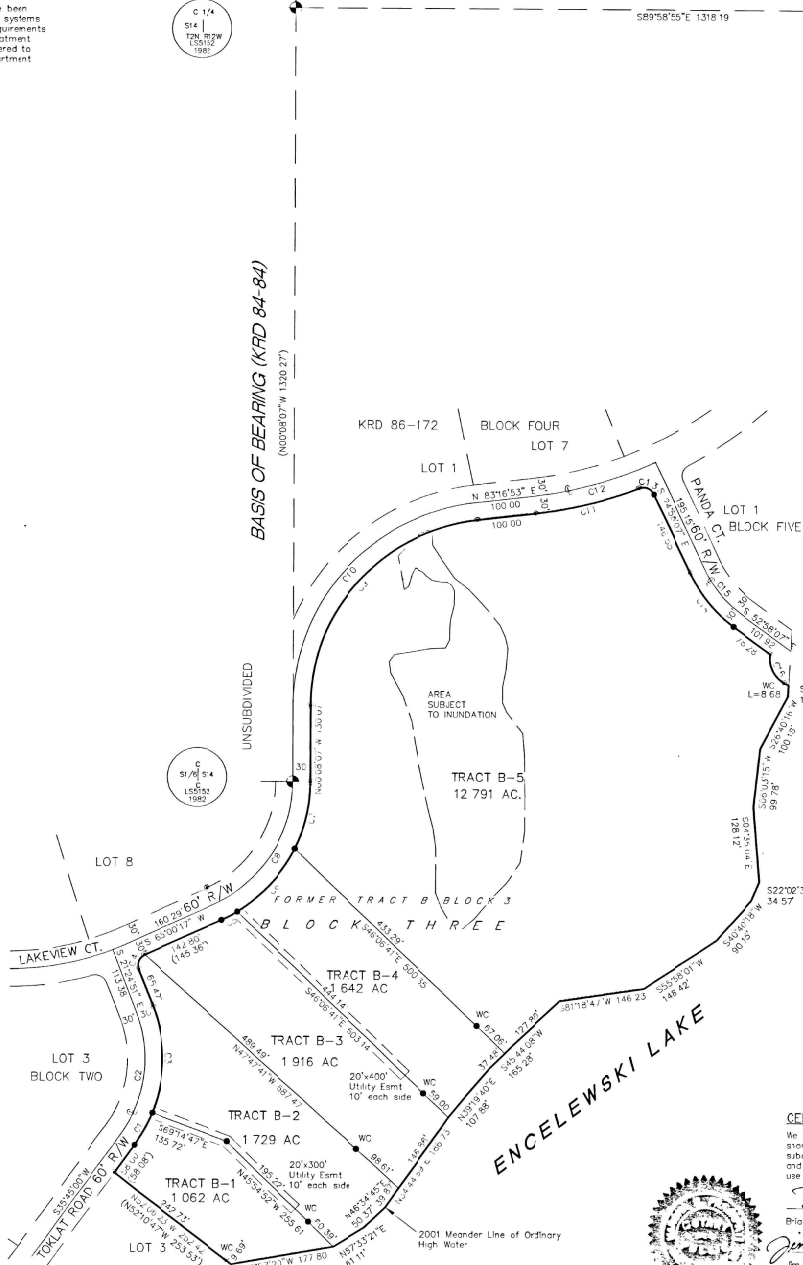
WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

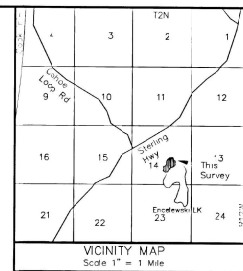
McLane P. C. 7853
 Stan A. McLane C.E. 7853 AK Date

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) The natural meanders of ordinary high water for the lake forms the true bounds of these lots. The meander line shown herein is for survey computations only.
- 5) BUILDING SET BACK - A building set back of 20 ft is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) The entire 20' building setback is also a utility easement.



CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD
C1	62.61	250.00	31.47	142°05'11"	N28°34'31"E	62.41
C2	219.49	226.00	119.86	57°09'51"	N07°10'05"E	210.51
C3	186.62	290.00	98.02	42°48'50"	N00°00'24"W	182.51
C4	30.17	20.00	18.79	86°25'08"	S21°47'45"W	27.31
C5	30.51	260.00	15.27	06°43'21"	N61°38'31"E	30.51
C6	147.02	260.00	75.54	32°23'51"	N42°04'25"E	145.01
C7	118.06	260.00	60.07	26°01'00"	N12°52'22"E	117.06
C8	226.90	200.00	127.42	65°00'00"	N32°21'51"E	214.91
C9	260.93	230.00	146.53	65°00'00"	N32°21'51"E	247.11
C10	465.89	320.00	285.20	83°25'04"	S41°34'24"W	475.61
C11	491.24	380.00	221.60	60°19'51"	S53°11'19"W	382.81
C12	181.08	705.95	91.34	14°41'47"	N75°55'55"E	180.58
C13	215.31	675.95	108.57	18°15'01"	N74°09'21"E	214.41
C14	30.18	20.00	18.80	86°26'47"	N68°11'31"W	27.31
C15	119.73	245.00	61.08	22°59'54"	S38°58'06"E	118.54
C16	137.51	220.00	54.85	27°59'54"	S38°58'06"E	106.44
C17	64.62	50.00	37.71	74°13'04"	S28°59'31"E	60.21



- LEGEND**
- FOUND PRIMARY SURVEY MONUMENT
3 1/4" DIAM BRASS CAP
 - FOUND 5/8" DIAM REBAR WITH 1 1/2" DIAM ALUM CAP L55152
 - SET 1/2" DIAM x 24" LONG REBAR WITH MILANE YELLOW PLASTIC CAP ATTACHED
 - () RECORD DATA KRD 84-84

NOTARY ACKNOWLEDGEMENT
 FOR: Mary S. Shepherd
 SUBSCRIBED AND SWORN BEFORE ME THIS
24th DAY OF October, 2001
 MY COMMISSION EXPIRES 11/30/01
Deanna Giambrone
 NOTARY PUBLIC FOR THE STATE OF ALASKA

NOTARY'S ACKNOWLEDGEMENT
 FOR: Brian Swett
 Subscribed and sworn before me this
24th day of September, 2001
 My commission expires 24 October 2005
Robin M. Jones
 Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGEMENT
 FOR: Jim Shepherd
 Subscribed and sworn before me this
31st day of OCTOBER, 2001
 My commission expires 24 October 2005
Deanna Giambrone
 Notary Public for the State of North Carolina

PLAT ACKNOWLEDGEMENT
 This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
 December 11, 2000
 KENAI PENINSULA BOROUGH BY
Max L. L...
 Authorized Clerk

CERTIFICATE OF OWNERSHIP AND DEDICATION
 We hereby certify that we are the owners of the real property shown and described herein and we hereby accept this plan of subdivision and by our free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.
Brian Swett
 Brian Swett
Jim Shepherd
 Jim Shepherd
AKA James Shepherd
 1002 Edith Drive
 Astoria, OR 97103
May S. Shepherd
 May S. Shepherd

TOLUM SUBDIVISION NO. 4
 A Resubdivision of Tract B Tolum Subdivision
 Brian Swett
 P.O. Box 440
 Healy, AK 99743
 LOCATION
 19.14 AC M/A SITUATED IN THE S 1/2 SECTION 14 T 2 N, R 12 W, S 4, AK AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT
 Consulting Group
 McLane Testing
 Surveyed by
 P.O. Box 458
 Seldovia, AK 99569
 Date: 1/18/01
 Book No: 00-39
 Project No: 002027
 Drawn by: mmm
 Scale: 1" = 100'
 PB File No: 2000-211

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and we hereby subject this plan of subdivision and by our free consent dedicate all rights-of-way and public utility easements to public use and grant of easements to the use shown.

Brian W. Smith
 Brian W. Smith
 P.O. Box 461
 Kodiak, AK 99541

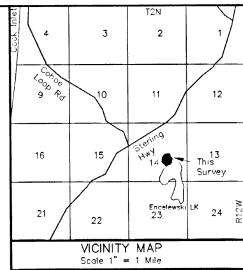
James Shephard
 James Shephard
 1072 Easton Road
 Juneau, AK 99801

Walter S. Shephard
 Walter S. Shephard

WASTEWATER DISPOSAL

See conditions, water table levels, and soil shown in this subdivision plan book, found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Alaska Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

SAWCA 007963 7/16/02
 Stan A. Shiras CE 1963 AK Date



NOTARY'S ACKNOWLEDGMENT

for **STANLEY SMITH**

Subscribed and sworn before me this

31 day of **DECEMBER**, 2001

My commission expires **4/15/02**

Walter S. Shephard

Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGMENT

for **BRIAN LINDSE SWIFT**

Subscribed and sworn before me this

31 day of **DECEMBER**, 2001

My commission expires **4/15/02**

Walter S. Shephard

Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGMENT

for **MARY S. SHEPHERD**

Subscribed and sworn before me this

31 day of **DECEMBER**, 2001

My commission expires **4/15/02**

Walter S. Shephard

Notary Public for the State of Alaska



CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD
1	10.76	100.00	10.76	180.00	N 180.00° E	21.52
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4	10.76	100.00	10.76	180.00	N 180.00° E	21.52
5	10.76	100.00	10.76	180.00	N 180.00° E	21.52
6	10.76	100.00	10.76	180.00	N 180.00° E	21.52
7	10.76	100.00	10.76	180.00	N 180.00° E	21.52
8	10.76	100.00	10.76	180.00	N 180.00° E	21.52
9	10.76	100.00	10.76	180.00	N 180.00° E	21.52
10	10.76	100.00	10.76	180.00	N 180.00° E	21.52
11	10.76	100.00	10.76	180.00	N 180.00° E	21.52
12	10.76	100.00	10.76	180.00	N 180.00° E	21.52
13	10.76	100.00	10.76	180.00	N 180.00° E	21.52
14	10.76	100.00	10.76	180.00	N 180.00° E	21.52
15	10.76	100.00	10.76	180.00	N 180.00° E	21.52
16	10.76	100.00	10.76	180.00	N 180.00° E	21.52
17	10.76	100.00	10.76	180.00	N 180.00° E	21.52
18	10.76	100.00	10.76	180.00	N 180.00° E	21.52
19	10.76	100.00	10.76	180.00	N 180.00° E	21.52
20	10.76	100.00	10.76	180.00	N 180.00° E	21.52
21	10.76	100.00	10.76	180.00	N 180.00° E	21.52
22	10.76	100.00	10.76	180.00	N 180.00° E	21.52
23	10.76	100.00	10.76	180.00	N 180.00° E	21.52
24	10.76	100.00	10.76	180.00	N 180.00° E	21.52

LEGEND

- FOUND PRIMARY SURVEY MONUMENT
 3/4" DIAM BRASS CAP
- FOUND 5/8" DIAM REBAR WITH 1 1/2" DIAM ALUM CAP L55152
- SET 1/2" DIAM x 24" LONG REBAR WITH McLane YELLOW PLASTIC CAP ATTACHED
- FOUND 1/2" DIAM x 24" LONG REBAR WITH McLane YELLOW PLASTIC CAP ATTACHED
- RECORD DATA KPD 84-84

NOTES

- 1) Water supply and sewage disposal systems shall be installed only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.
- 3) No foundation structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 4) The natural meanders of ordinary high water for the lake form the true bounds of these lots. The meander line shown herein is for survey computations only.
- 5) BUILDING SET BACK - A building set back of 20 ft is required from all street right-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) The first 10' of the building setback and the entire setback within 5' of side lot lines is a utility easement.
- 7) Roads must meet the design and construction standards established by the Borough in order to be qualified for certification and inclusion in the road maintenance program.
- 8) An exception to KPB 20.20180, depth to water table for Tract B-5D was granted by the Planning Commission on 7/23/2001.



2001-17
 KENAI REC DIST
 Date **3-12-02**
 Time **1614**
 Requested by **McLane**
 Address

TOLIM SUBDIVISION NO. 5

A Resubdivision of Tract B-5 Tolim

Subdivision No. 4

In and Mary Shephard

10154 Easton Dr

Juneau, AK 99801

LOCATION

1.791 AC M/L SITUATED IN THE S 1/2, SECTION 14

S 1/2, R 12 W, S 4 E, AND THE KENAI

PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT

Submitted by

McLane Testing

Engineers, Surveyors and Planners

P.O. Box 468 Soldotna, AK 99669

DATE

14 September, 2001

BOOK No. 00-39

Project No. 012015

Drawn by

PCO

Scale 1" = 100'

FPB File No.

2001-120

PLAT APPROVAL

This plat was reviewed by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of

July 23, 2001

KENAI PENINSULA BOROUGH

P.O. Box 468 Soldotna, AK 99669

Authorized Officer

Walter S. Shephard

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-20
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR B-5A, TOLUM SUBDIVISION NO 5 (KN 2002017); IN NE 1/4 S14, T02N, R12W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2023-068

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, Henry and Susan Novak of Kasilof, AK requested a building setback encroachment permit to the 20-foot building setback granted by Tolum Subdivision No 5 (KN 2002017); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, 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

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. That the 20-foot building setback limit on KN 2002017 B-5A is hereby excepted to accommodate only the encroaching portion of the high tunnel.

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 _____ DAY OF _____, 2023.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirmberg,
Administrative Assistant

Return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
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