



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2024-17
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 8, LUKE'S WILDERNESS ACRES (HM 0960042); IN NE 1/4 S14, T05S, R15W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2024-110

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, Brittany and Nicholas Spillett of Soldotna, AK requested a building setback encroachment permit to the 20-foot building setback granted by Luke's Wilderness Acres (HM 0960042); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, October 28, 2024, 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 HM 0960042 Lot 8 is hereby excepted to accommodate only the encroaching portion of the 16.2 X 20 shop.

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

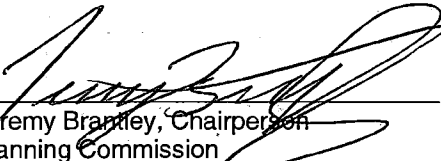
Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

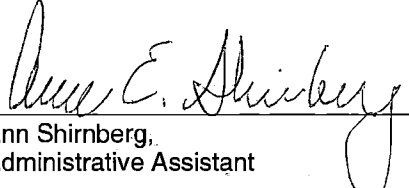
Section 4. That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 2 of 2.

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

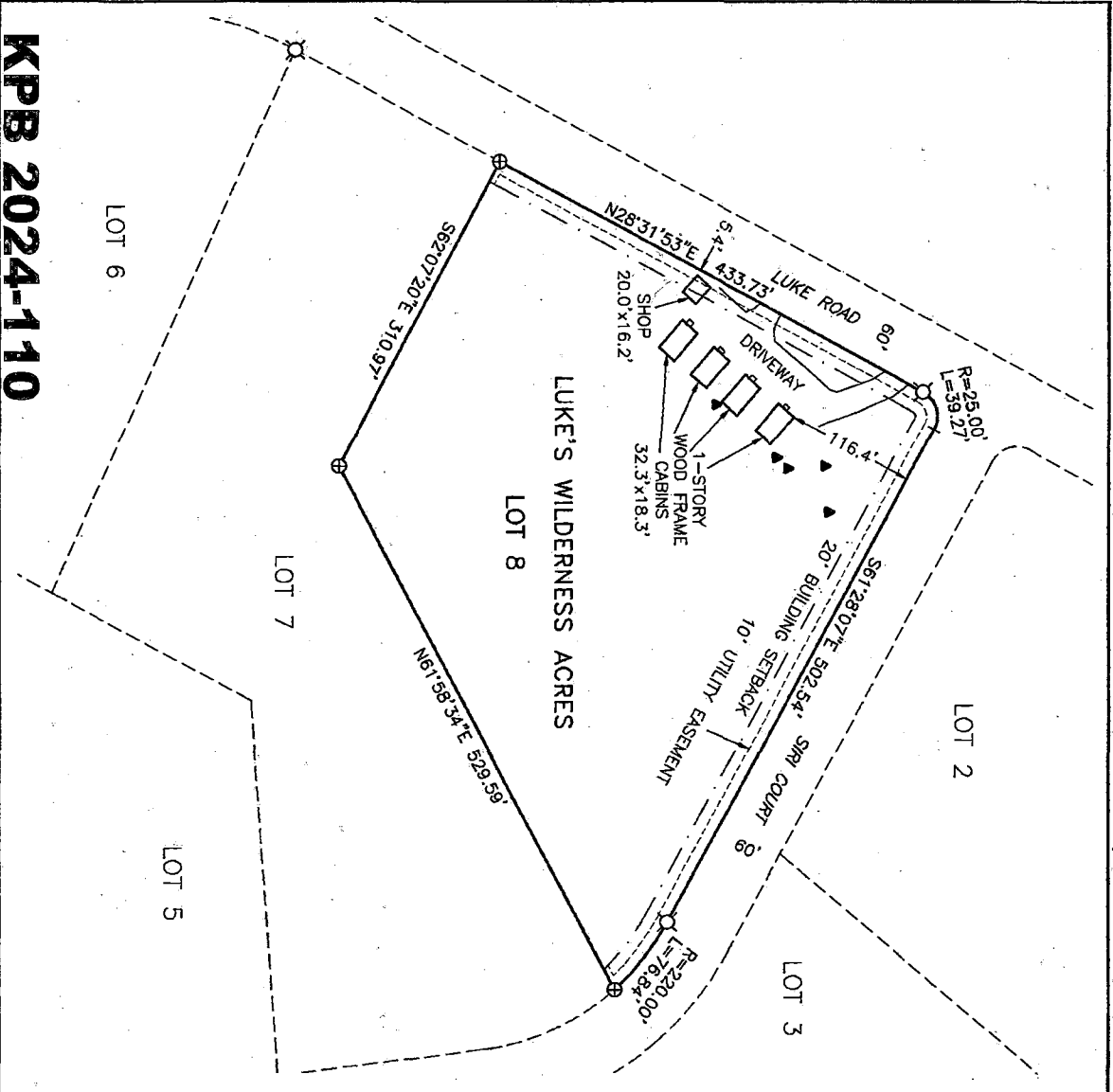
Section 6. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 28TH DAY OF OCTOBER, 2024.

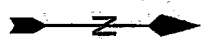
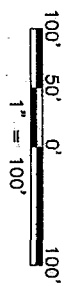

Jeremy Brantley, Chairperson
Planning Commission

ATTEST: 
Ann Shirnberg,
Administrative Assistant

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



KPB 2024-110



LEGEND

- ⊗ FOUND 1/2" REBAR
- ⊕ FOUND 2" ALUMINUM CAP
- ▲ SEPTIC STANDPIPE

NOTES

1. A TITLE REPORT WAS NOT PREPARED FOR THIS SURVEY. ADDITIONAL RECORDED AND UNRECORDED EASEMENTS MAY EXIST.
2. DIMENSIONS ARE TO THE FACE OF THE BUILDINGS.
3. BEARINGS AND DISTANCES ARE FROM FIELD MEASUREMENTS AND PLAT HM 92-42.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT AN AS-BUILT SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION ON THE PROPERTY SHOWN HEREON, AND THE IMPROVEMENTS EXIST AS SHOWN. FIELD SURVEY ON 09/26/2024.

Jason L. Schollenberg
 JASON L. SCHOLLENBERG DATE
 PLS 14488-S 10/01/2024



PENINSULA SURVEYING, LLC 10535 KATRINA BOULEVARD, NINILCHIK, AK 99639 (907)306-7065	
AS-BUILT SURVEY LOT 8, LUKE'S WILDERNESS ACRES HM 92-42 SEC 14 T5S R15W SM, AK	
SCALE: 1" = 100'	DATE: 10/01/2024
DRAWN: JLM	CHECKED: JLS
	SHEET: 1 OF 1

