

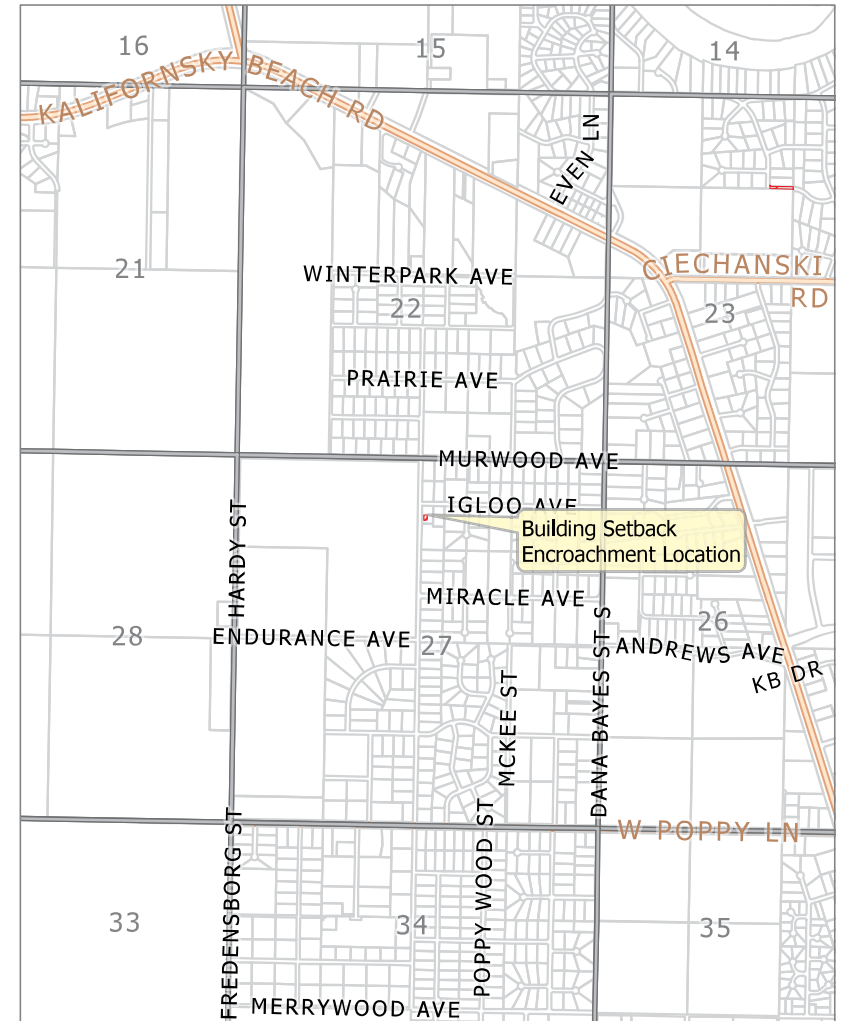
E. NEW BUSINESS

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



KPB File 2026-063
T 05N R11W SEC 27
Kalifornsky

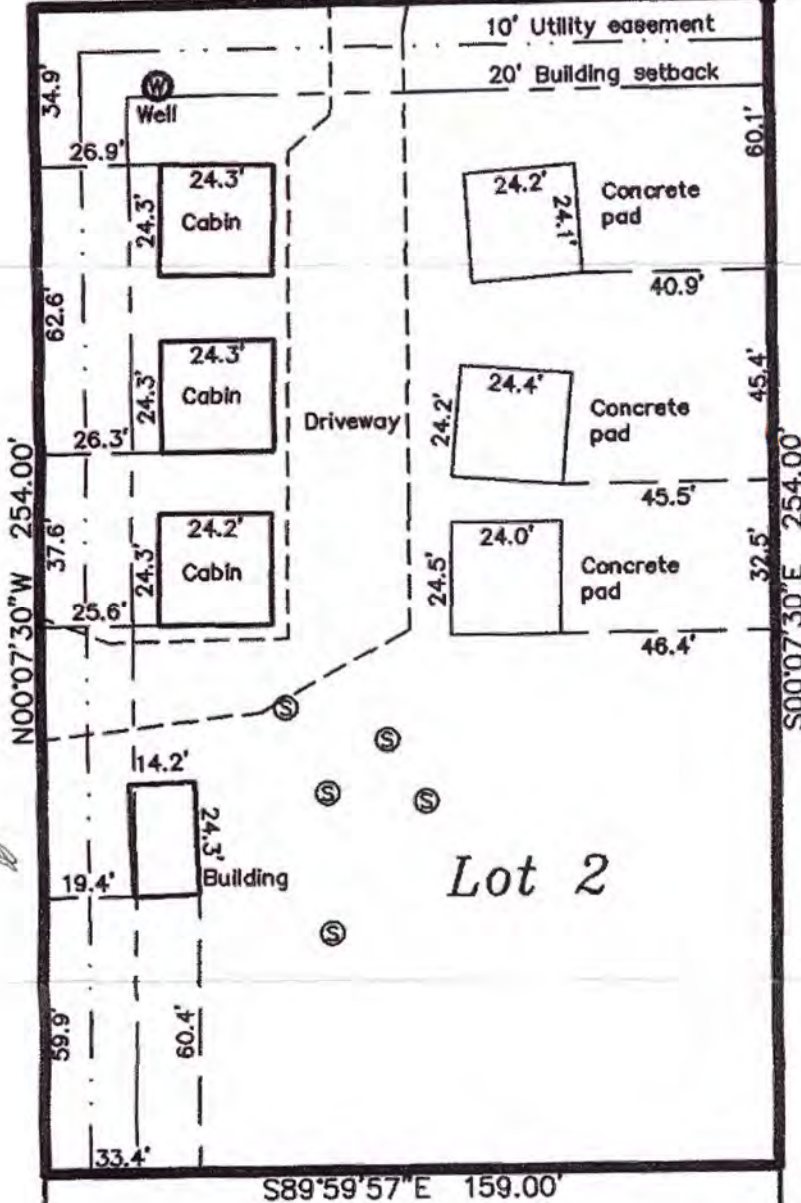


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Igloo Ave

S89°59'57"E 159.00'

Iditarod St N



Lot 3

Lot 2

Lot 1

ASBUILT CERTIFICATION



LEGEND

KPB 2026-063

- Found Rebar
- Ⓢ Sewer vent

I hereby certify that I have surveyed the following described property:

Lot 2

AGENDA ITEM E. NEW BUSINESS

**ITEM #3. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 2 BLOCK 2 COTTONWOOD ACRES SUBDIVISION NO 6 KN82-128**

KPB File No.	2026-063
Planning Commission Meeting:	July 20, 2026
Applicant / Owner:	Geoffrey & Melissa Knuth, MK Rentals, Kenai, AK
Surveyor:	John Segesser, Segesser Surveys
General Location:	Corner of Igloo Ave and Iditarod St N in Kalifornsky Beach area

Parent Parcel No.:	055-590-11
Legal Description:	T 5N R 11W SEC 27 SEWARD MERIDIAN KN 0820128 COTTONWOOD ACRES SUB NO 6 LOT 2 BLK 2
Assessing Use:	Residential
Zoning:	Unrestricted
Resolution	2026-38

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Requesting approval of a variance for a building located on my property at 48477 Igloo Ave Soldotna, AK. During a recent survey of the property, it was determined that a portion of the building encroaches approximately six (6) inches into the required building setback area.

Site Investigation:

Several structures and concrete pads are shown on the submitted as-built survey. The southwest structure located along Iditarod St N is shown to be encroaching into the 20' building setback line by 0.6 feet (7.2 inches) at the southwest corner of the structure. The drawing appears to show the structure slightly tipped northwesterly. **Staff recommends** the surveyor add the distance to the property line at the northwest corner of the structure.

Igloo Ave is a 60' road dedicated by Cottonwood Acres Subdivision KN 73-59. Igloo St N is a 60' road with 30' dedicated by Cottonwood Acres Subdivision KN 73-59 and 30' for the west side by dedicated by Murwood South Subdivision KN 2015-47. Igloo Ave is developed and KPB maintained. Iditarod St N is privately maintained and only installed from Igloo Ave south approximately 370 feet from the center of the intersection.

Sight distance does not appear to be an issue with the location of the structure. The owner measured near 25 feet from the foundation of the structure to the edge of the constructed roadway. The owners and visitors of the property to the south are currently the only drivers that will encounter the structure when driving.

Staff Analysis:

Originally the land was surveyed as the N1/2 NE1/4 Section 27, Township 5 North, Range 11 West, SM, Alaska. Cottonwood Acres Subdivision KN73-59 first subdivided the area in two blocks with four lots each. Replat of Cottonwood Acres Subdivision KN74-43, replatted all lots except Lot 4 Block 1, dividing each lot into two new lots, creating fourteen lots. Cottonwood Acres Subdivision No 6 KN81-128 replatted Lot 1A Block 2 into three new lots.

KN73-59 granted a 10' utility easement along the rights-of-way dedicated. KN82-128 granted a required 20' building setback along all street right-of-way.

The terrain on the lot and along Iditarod St N is relatively flat with a 5% slope towards the southwest corner of the lot.

As Iditarod St N is privately maintained, there should not be any issues. Currently the only traffic using the road will be the property to the south along Iditarod St N.

Applicant Discussion:

I am writing to respectfully request approval of a variance for a building located on my property at 48477 Igloo Ave Soldotna, AK. During a recent survey of the property, it was determined that a portion of the building encroaches approximately six (6) inches into the required building setback area. Thank you for your consideration. I appreciate your attention to this matter and look forward to working with your office toward a resolution.

Applicant Findings:

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.
3. Requiring relocation or modification of the structure to address this minor encroachment would impose a significant hardship and expense that would be disproportionate to the extent of the variance requested.
4. Granting this variance would allow the property to remain in compliance while preserving the intended character and use of the area.

Staff Findings for the Commission's review:

5. The 20' building setback was granted by Cottonwood Acres Subdivision No 6 KN 82-128.
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.

20.10.110. – Building setback encroachment permits.

- E. The following standards shall be considered for all building setback encroachment permit applications.

Staff recommends the Planning 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, 4 & 6 - 9 appear to support this standard.

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

Findings 1, 2, 4 & 6 – 9 appear to support this standard.

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

Findings 1, 2, 4, 6, 7 & 9 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
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	Roads Director: Uhlin, Dil Comments: RA has no objection at this time
SOA DOT comments	
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Portions of the subdivision is found on a FEMA FIRM panel. X-unshaded and is non-regulatory. No depictions or plat notes required. B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	
Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 48477 Igloo Ave Existing Street Names are Correct: Yes List of Correct Street Names: Igloo Ave, Iditarod St N Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No comment
Code Compliance	Vacant
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 grant approval for the portion of structures within the 20-foot building setback as shown on the 2026 as-built survey, subject to:

1. Compliance with KPB 20.10.110 sections F and G.
2. Removal of all encroachments within the right-of-way dedication.

3. Providing a current full size as-built with recommended corrections as noted below, to be used as an exhibit drawing for Resolution 2026-38 prepared, signed, and sealed by a licensed land surveyor.
4. The recording fees be submitted to the Kenai Peninsula Borough Planning Department for the recording of the resolution.
5. 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.
6. Additional encroachments found on the new as-built will require a new hearing.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Add distance to west property line from northwest corner of structure.
- Add Block 2 to the lot label of subject parcel on drawing and title block
- Add plat name and filing information to legal de in the title block
- Add Block 2 to the adjacent lot labels
- Add the owner's name and address to the as-built
- Add KPB File No 2026-063 to the drawing.
- Add the ROW width to the roads
- Print a full-size copy of the as-built with corrections made for recording with Resolution 2026-38

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



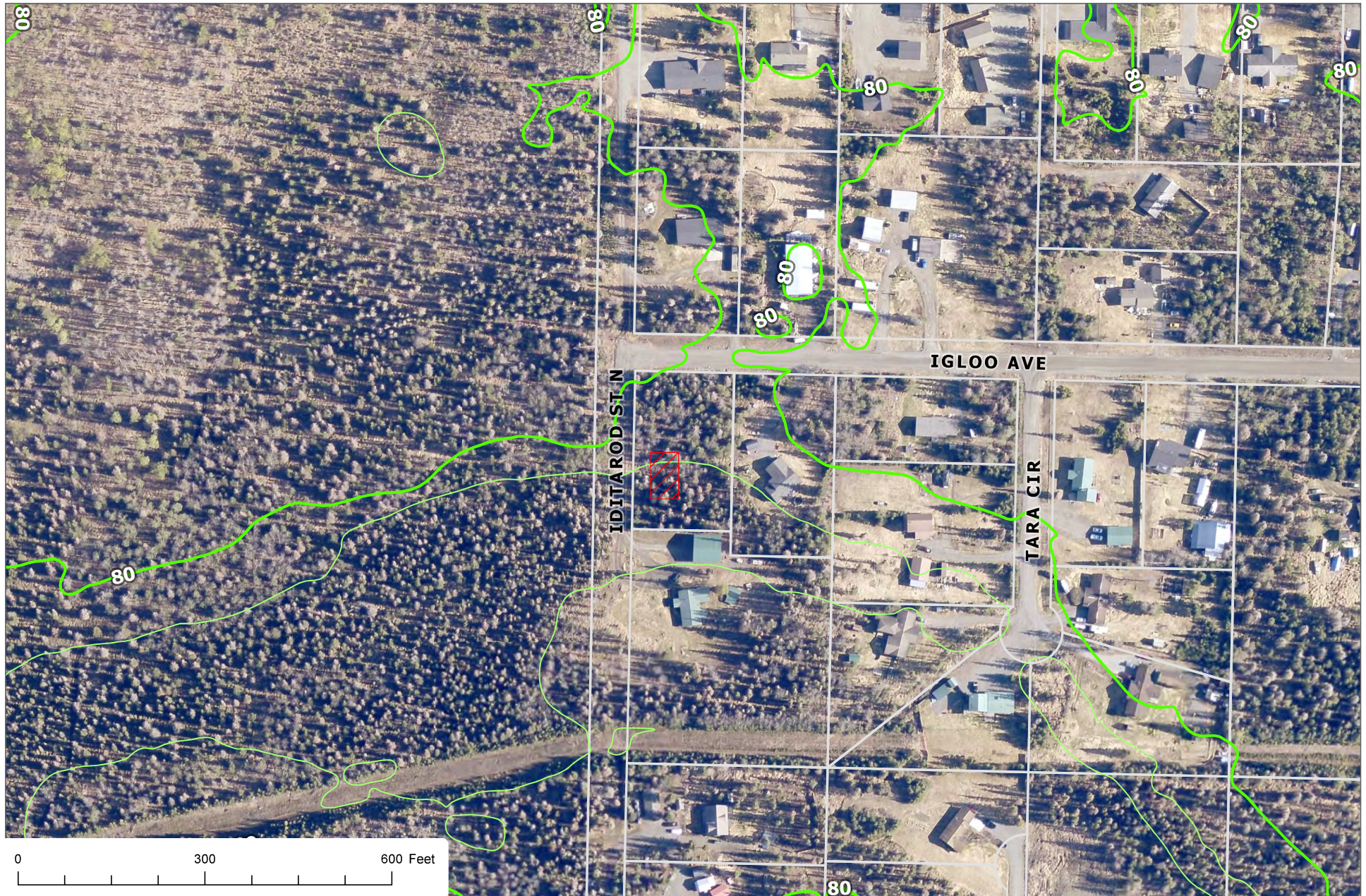
Aerial Map



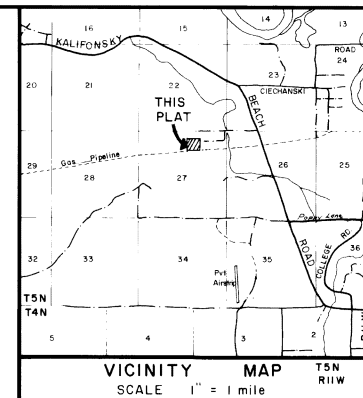
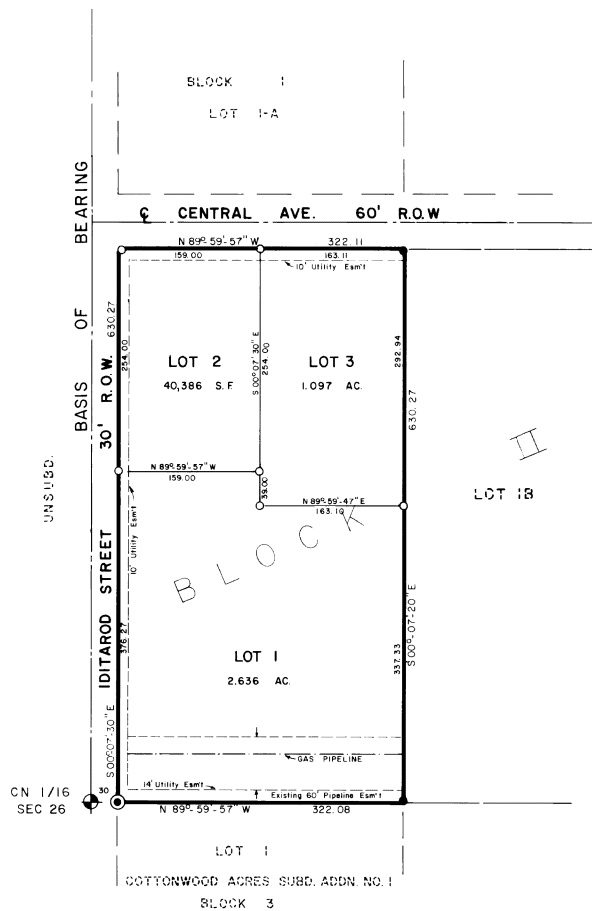
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LEGEND AND NOTES

- Found 1/2" rebar
- Set 1/2" rebar
- ⊙ Found 3/4" rebar
- ⊕ Found brass cap CN 1/16 (880-L.S.) 1973

All bearings refer to the N-S $\angle$ of Section 27 as N 00° 07' 30" W.

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

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of November 19, 1982.

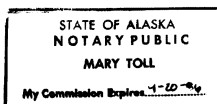
Kenai Peninsula Borough

By Steve Verba
Authorized Official



NOTARY'S ACKNOWLEDGEMENT

for Steve Verba and Marlys Verba
Subscribed and sworn before me this
8th day of December, 1982.
My commission expires 1-20-84
Mary Toll
Notary Public for Alaska



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.

Steve Verba Marlys Verba
Steve Verba
Marlys Verba
Rt. 2, Box 866
Soldotna, Alaska 99669

COTTONWOOD ACRES SUBD. NO. 6 A RESUBDIVISION OF LOT 1-A, BLK 2 COTTONWOOD ACRES

STEVE VERBA
BOX 866
RT 2
SOLDOTNA, AK 99669 owner

LOCATION
4.66 ACRES LOCATED WITHIN N 1/2, NE 1/4, SEC.
27, T5N, R11W, S.M. AND THE KENAI PENINSULA
BOROUGH.

SURVEYED BY: McLANE & ASSOCIATES, INC.
SOLDOTNA, AK 99669

DATE OF SURVEY: 10/28/82 SCALE: 1"=100' BK-NO: 82-56

UNSUBDIVIDED
N 0° 07' 30" W
1820.54'
STREET
N 0° 07' 30" W
1820.54'
IDITAROD
N 0° 07' 30" W
1820.54'
MON SE
RCJ 1973

UNSUBDIVIDED



LOCATION MAP

CERTIFICATE OF OWNERSHIP AND DEDICATION
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE
PROPERTY SHOWN AND DESCRIBED HEREON AND THAT
WE HEREBY ADMIT THIS PLAN OF SUBDIVISION, AND
DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, UTILITY
EASEMENTS, AND OTHER OPEN SPACES TO PUBLIC USE
DATE 2 MAY 1978

Robert C. Johnson *Robert C. Johnson*
DAVE E. JOHNSON WITH A BESSY
STAR RIVER, ALASKA 99583

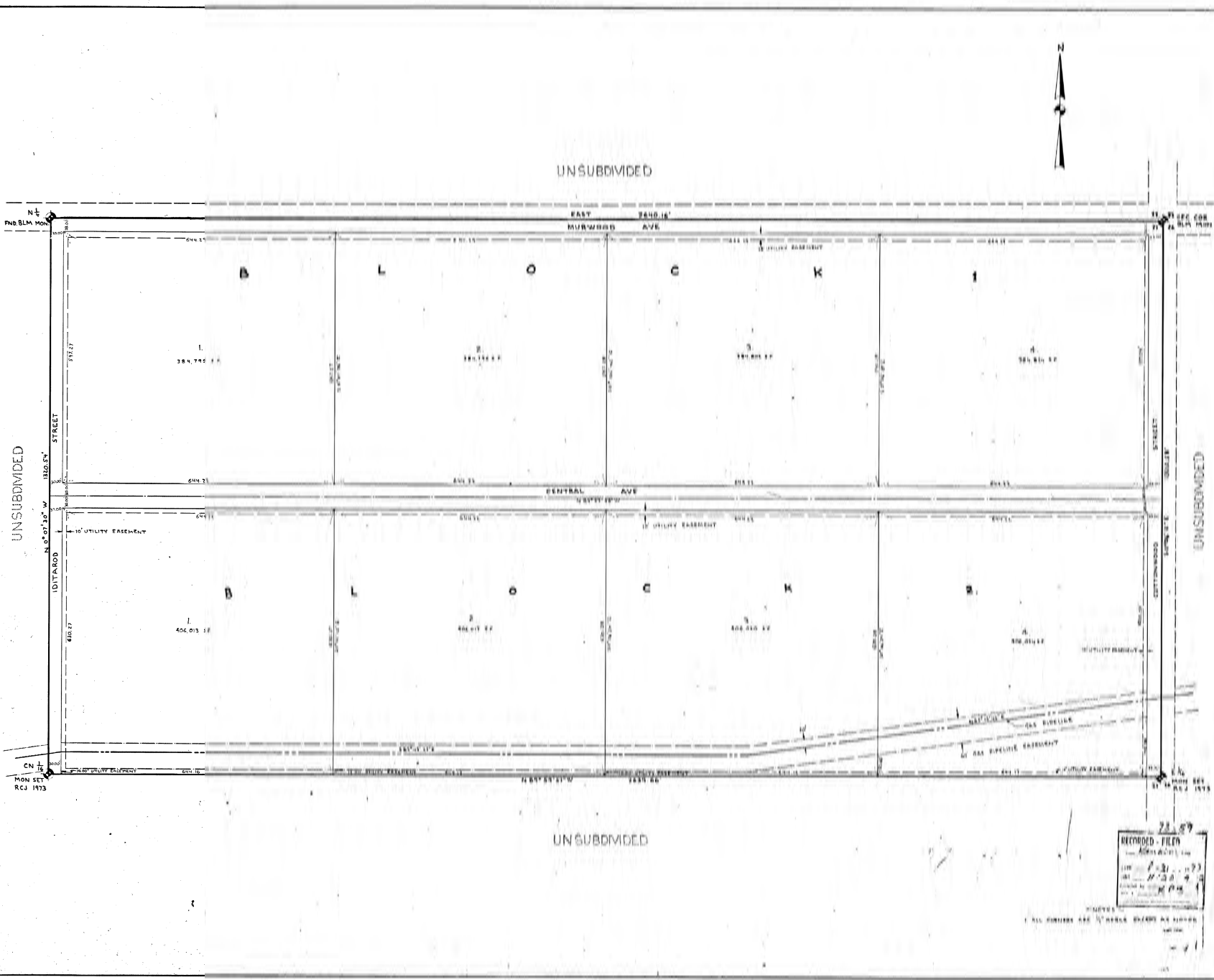
STATE OF ALASKA
THIRD JUDICIAL DISTRICT } ss
ON THIS 22 DAY OF MAY, 1978, BEFORE ME, THE
UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA,
PERSONALLY APPEARED *Robert C. Johnson*, to be
KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE FOREGOING CERTIFICATE OF OWNERSHIP
AND DEDICATION, AND ACKNOWLEDGED TO ME
THAT HE EXECUTED THE SAME AS HIS FREE AND
VOLUNTARY ACT.
WITNESS MY HAND AND OFFICIAL SEAL THE DAY
MONTH AND YEAR HEREIN ABOVE WRITTEN.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2 Jan. 1979
STATE OF ALASKA } ss
THIRD JUDICIAL DISTRICT } ss
ON THIS 22 DAY OF MAY, 1978, BEFORE ME, THE
UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA,
PERSONALLY APPEARED *Robert C. Johnson*, to be
KNOWN TO BE THE PERSON DESCRIBED IN AND WHO
EXECUTED THE FOREGOING CERTIFICATE OF OWNERSHIP
AND DEDICATION, AND ACKNOWLEDGED TO ME
THAT HE EXECUTED THE SAME AS HIS FREE AND
VOLUNTARY ACT.
WITNESS MY HAND AND OFFICIAL SEAL THE DAY,
MONTH AND YEAR HEREIN ABOVE WRITTEN.
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 2 Jan. 1979

SURVEYOR'S CERTIFICATE
I, ROBERT C. JOHNSON, PROFESSIONAL LAND SURVEYOR,
DO HEREBY CERTIFY THAT THE PLAN OF SUBDIVISION
ACROSS SUBDIVISION, IS A TRUE AND CORRECT
REPRESENTATION OF LANDS ACTUALLY SURVEYED AND
THAT ALL DISTANCES AND BEARINGS ARE CORRECT
AND THAT ALL PERMANENT EXTERIOR
CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND
LOT CORNERS HAVE BEEN SET AND STAKED.

RECORDED FILED
Robert C. Johnson
DATE APPROVED

FILE APPROVED BY THE COMMISSION THIS 10th DAY OF APRIL, 1978
Robert C. Johnson
SECRETARY

COTTONWOOD ACRES SUBDIVISION	
N 1/2 NE 1/4 SEC 12, T2N, R10W, S14, ALASKA	
DATE: 20 FEB 1978	
DRAWN BY: [Signature]	
CHECKED BY: [Signature]	



CERTIFICATE OF OWNERSHIP AND DEDICATION
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE
 PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT
 WE HEREBY ADOPT THE PLAN OF SUBDIVISION AND
 DEDICATE ALL STREETS, ALLEYS, WALKS, PUBLIC UTILITY
 EASEMENTS, AND OTHER SPECIAL SPACES TO PUBLIC USE
 DATE 2 July 1973

STATE OF ALASKA
 THIRD JUDICIAL DISTRICT } ss
 ON THIS 22 DAY OF July, 1973, BEFORE ME, THE
 UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA,
 PERSONALLY APPEARED Bill E. Smith and Paula J. Smith to me
 known to be the persons mentioned in and who
 executed the foregoing certificate of owner-
 ship and dedication, and acknowledged to me
 that he executed the same as his free and
 VOLUNTARY ACT.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY,
 MONTH AND YEAR HEREINAFTER WRITTEN:
 12 July 1973

STATE OF ALASKA
 THIRD JUDICIAL DISTRICT } ss
 ON THIS 22 DAY OF July, 1973, BEFORE ME, THE
 UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF ALASKA,
 PERSONALLY APPEARED Bill E. Smith and Paula J. Smith to me
 known to be the persons mentioned in and who
 executed the foregoing certificate of owner-
 ship and dedication, and acknowledged to me
 that he executed the same as his free and
 VOLUNTARY ACT.

WITNESS MY HAND AND OFFICIAL SEAL THE DAY,
 MONTH AND YEAR HEREINAFTER WRITTEN:
 12 July 1973

NOTARY PUBLIC FOR ALASKA
 DAY COMMERCIAL SERVICE

SURVEYOR'S CERTIFICATE
 I, ROBERT E. JOHNSON, PROFESSIONAL LAND SURVEYOR,
 DO HEREBY CERTIFY THAT THE MAP OF COTTONWOOD
 ACRES SUBDIVISION IS A TRUE AND CORRECT
 REPRESENTATION OF LANDS ACTUALLY SURVEYED AND
 THAT ALL DISTANCES AND BEARINGS ARE SHOWN
 CORRECTLY AND THAT ALL NECESSARY EASEMENTS,
 CONTROL MONUMENTS, ALL OTHER DISTANCE, AND
 LOT CORNERS HAVE BEEN SET AND STAKED.

12 July 1973

PLAY APPROVED BY THE COMMISSION THIS 12th
 DAY OF JULY, 1973

RECORDED - FILED
 73-89
 JUL 23 1973
 ALASKA DEPT. OF REVENUE

PLAY APPROVED BY THE COMMISSION THIS 12th
 DAY OF JULY, 1973

RECORDED - FILED
 73-89
 JUL 23 1973
 ALASKA DEPT. OF REVENUE

PLAY APPROVED BY THE COMMISSION THIS 12th
 DAY OF JULY, 1973

RECORDED - FILED
 73-89
 JUL 23 1973
 ALASKA DEPT. OF REVENUE

**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 0730059); 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 0730059 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