



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2025-26  
HOMER RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT  
TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1,  
HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION (HM 2007-108); IN NE ¼ S22,  
T04S, R15W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA  
BOROUGH; KPB FILE NO. 2025-149**

**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**, Laida LLC of Anchor Point, AK requested a building setback encroachment permit to the twenty-foot building setback required by Hollywood Kennedy Gibbons 2006 Addition and

**WHEREAS**, on Monday, October 27, 2025, the Planning Commission considered the background information, all comments received, and any 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 Lot 1, Hollywood Kennedy Gibbons 2006 Addition hm 2007-108 is hereby granted to accommodate only the encroaching portion of the house, covered porch, steps and carport based upon the following findings of fact:

Standard 1: The building setback encroachment may not interfere with road maintenance.

1. The footage in front of the house is cleared so there is no interference with road maintenance.
4. The structures are approximately 94' from the driving surface of Sterling Highway.

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

2. Because the Right of Way is cleared there is no interference with sightlines or distances.
4. The structures are approximately 94' from the driving surface of Sterling Highway.

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

3. There is no safety issue exiting the property as you can see clearly in both directions far enough that it is safe:
4. The structures are approximately 94' from the driving surface of Sterling Highway.

**SECTION 3.** That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

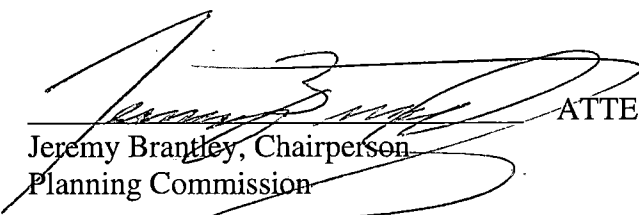
**SECTION 4.** That the granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting 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 3 of 3.

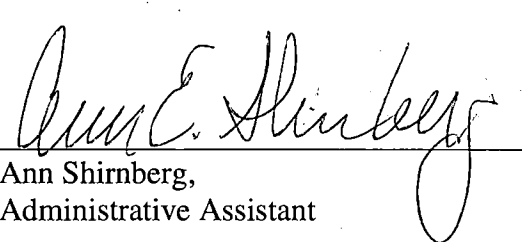
**SECTION 6.** That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

**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 27<sup>TH</sup> DAY OF OCTOBER, 2025.**

  
Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

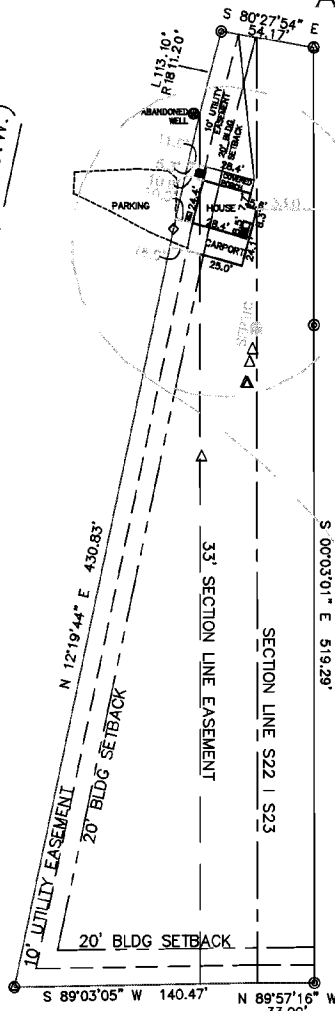
  
Ann Shirnberg,  
Administrative Assistant

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





9/26/2025



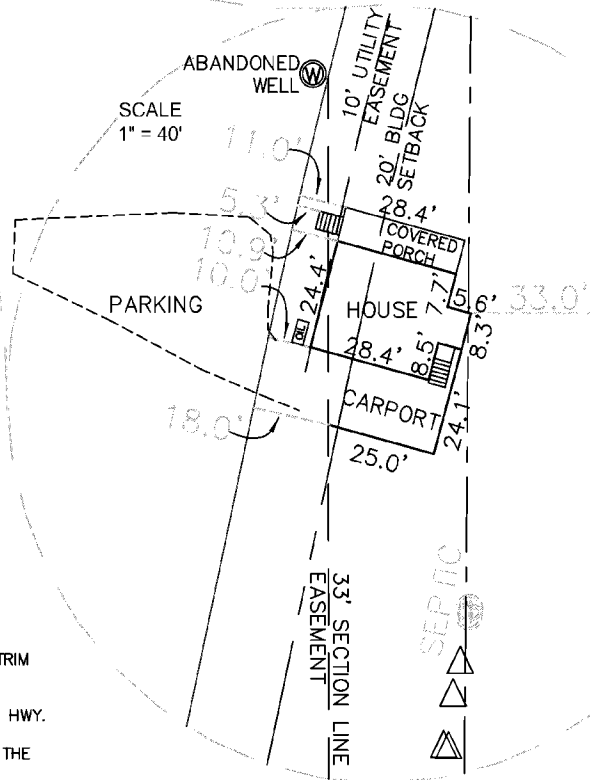
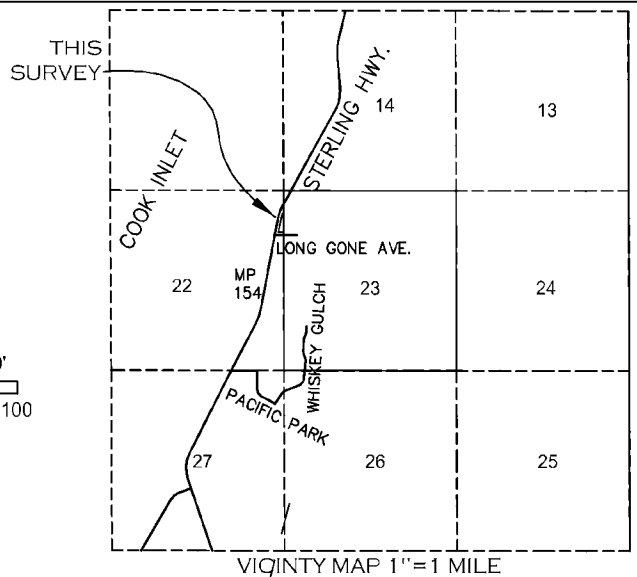
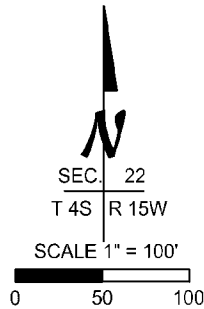
LONG GONE AVE. (60' R.O.W.)

- ⊗ FOUND REBAR WITH ALUMINUM CAP
- ⊙ FOUND REBAR
- Δ MONITOR TUBE

1. MEASUREMENTS SHOWN DEPICTING IMPROVEMENTS INCLUDE SIDING AND TRIM (IF APPLICABLE), AND DO NOT INCLUDE EAVES.
2. THE ABANDONED WELL HEAD LIES WITHIN THE R.O.W. FOR THE STERLING HWY.
3. THE HOUSE (& CARPORT) AND DECK (& STAIRS) LIE PARTIALLY WITHIN THE 20 BUILDING SETBACK (AS SHOWN) ALONG THE STERLING HWY.

STATE OF ALASKA  
DAVID DAVID KENNEDY  
15 - 1977

I hereby certify that the information provided is true and correct to the best of my knowledge, and that accepted standards of accuracy have been maintained.



LOT 1, HOLLYWOOD KENNEDY GIBBONS SUBD. 2006 ADDN.,  
SECTION 22, TOWNSHIP 4 SOUTH, RANGE 15 WEST,  
SEWARD MERIDIAN. KPB FILE # 2025-149

Homer Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on any property lying adjacent thereto, and that no improvements on property lying adjacent thereto encroach on the premises in question, other than those shown.

FINELINE SURVEYS  
P.O. Box 774  
Anchor Point, Alaska 99556  
Dmitri D. Kimbrell, RLS (907) 360 6382