



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-25
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT
TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1A,
BLOCK 1, STERLING HEIGHTS SCOOTER'S REPLAT (KN 93-87); IN NW ¼ SEC 11,
T05N R09W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA
BOROUGH; KPB FILE NO. 2025-124**

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, Kathleen A. Barrickman of Sterling, AK requested a building setback encroachment permit to the twenty-foot building setback required by Sterling Heights Scooter's Replat KN 93-87 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 KN 93-87 Lot 1A, Block 1, Sterling Heights Scooter's Replat is hereby granted to accommodate only the encroaching portion of the house based upon the following findings of fact:

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

1. The setback encroachment does not interfere with borough road maintenance or snow berm storage. The structure maintains sufficient distance from the roadway, and no constructed ditch or related infrastructure is impacted by this placement.
4. The encroachment meets the standards of KPB 20.10.110(E), as it does not interfere with road maintenance, sight lines, or public safety. Supporting documentation (as-built survey, application, and written justification) has been prepared to demonstrate compliance with Borough requirements
14. KPB Roads Department did not express concerns regarding future maintenance.
15. Skeeter Street is a 60-foot dedicated road that is privately maintained.
16. Skeeter Street adjacent to the structure appears to currently be used as a drive to access the subject lot

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

2. The proposed building does not interfere with traffic visibility. It is adequately set back from Robinson Loop Road, with no obstruction to the line of sight for drivers or pedestrians. Existing vegetation and the property's orientation provide no additional visibility hazards.
3. The encroachment does not create any safety hazards for the surrounding community. The property is in a residential area with low traffic volume, and the setback encroachment does not encroach into travel paths or create unsafe conditions.
4. The encroachment meets the standards of KPB 20.10.110(E), as it does not interfere with road maintenance, sight lines, or public safety. Supporting documentation (as-built survey, application, and written justification) has been prepared to demonstrate compliance with Borough requirements
13. The structure does not appear to be in the line of sight along Skeeter St when coming from the south.

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

2. The proposed building does not interfere with traffic visibility. It is adequately set back from Robinson Loop Road, with no obstruction to the line of sight for drivers or pedestrians. Existing vegetation and the property's orientation provide no additional visibility hazards.
3. The encroachment does not create any safety hazards for the surrounding community. The property is in a residential area with low traffic volume, and the setback encroachment does not encroach into travel paths or create unsafe conditions.
4. The encroachment meets the standards of KPB 20.10.110(E), as it does not interfere with road maintenance, sight lines, or public safety. Supporting documentation (as-built survey, application, and written justification) has been prepared to demonstrate compliance with Borough requirements.

Subject to the 4 conditions set forth in the staff report

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 2025-25, 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.

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.

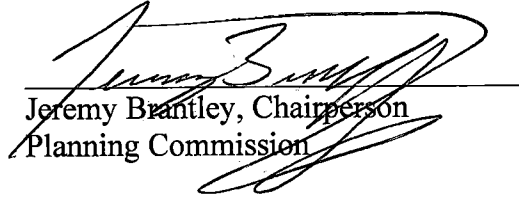
SECTION 5. That a current as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 4 of 4.

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.

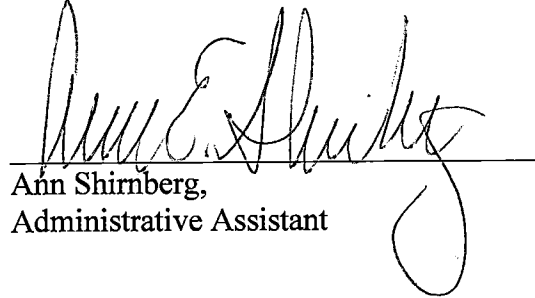


ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA
BOROUGH ON THIS 27th DAY OF OCTOBER, 2025.



Jeremy Brantley, Chairperson
Planning Commission

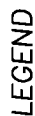
ATTEST:















Ann Shirnberg,
Administrative Assistant

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





	PRIMARY MONUMENT FOUND
	PROPERTY CORNER FOUND
	SEPTIC VENT
	WELL
	GAS METER
	PARCEL BOUNDARY
	ADJACENT PROPERTY LINE
	EDGE GRAVEL
	BUILDING SETBACK
	EASEMENT
	CENTERLINE
	LOW WET AREA

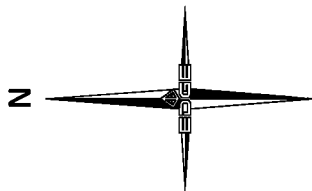
KPB FILE NO. 2025-124

IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE AS-BUILT SURVEY, UNDER NO CIRCUMSTANCE, SHALL BE USED FOR CONSTRUCTION OR BOUNDARY LOCATIONS.

THIS AS-BUILT IS VALID FOR ONE YEAR AFTER FIELD SURVEY.

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

RYAN SORENSEN
PLS 13006-S



DRAWN BY: DW	DATE: 10/28/2025	PROJECT: 23-600
CHECKED BY: RS	SCALE: 1" = 50'	SHEET: 1 OF 1