



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-27
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT
TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK GRANTED BY
PLAT KN 79-157 FOR THAT PORTION OF THE NORTH 440 FEET OF
GOVERNMENT LOT 6, LYING EAST OF SARA STREET, EXCEPT APACHE ACRES
SUBDIVISION PART SIX, WITHIN THE NE ¼, S18, T05N, R08W; SEWARD
MERIDIAN, ALASKA, KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-153**

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, John Robert Stevens of Erina, New South Wales, Australia, requested a building setback encroachment permit to the twenty-foot building setback required by Apache Acres Subdivision Part Two 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 that portion of the North 440 feet of Government Lot 6, Lying East of Sara Street, Except Apache Acres Subdivision Part Six, within the NE ¼ Sec18 T05N R08W is hereby granted to accommodate only the encroaching portion of the shop and carport based upon the following findings of fact:

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

1. The existing constructed road is off center so that there is more than usual distance to it.
8. The encroaching structures are approximately 61.9-feet from the constructed portion of Sara Street.
9. Trees and a clearing separate the driving surface of Sara St from the structure.

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

1. The existing constructed road is off center so that there is more than usual distance to it.
8. The encroaching structures are approximately 61.9-feet from the constructed portion of Sara Street.
9. Trees and a clearing separate the driving surface of Sara St from the structure.

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

1. The existing constructed road is off center so that there is more than usual distance to it.
8. The encroaching structures are approximately 61.9-feet from the constructed portion of Sara Street.
9. Trees and a clearing separate the driving surface of Sara St from the structure.

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

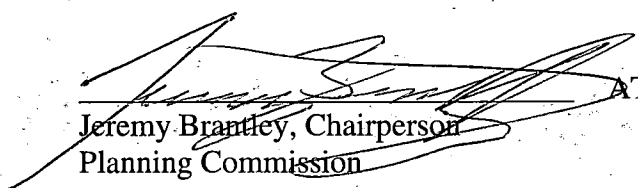
SECTION 4. That the granting of a building setback encroachment permit will only be for the portion of the improvement or building that is located within the building setback and the permit will be valid for the life of the structure or for a period of time set by the Planning Commission. The granting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

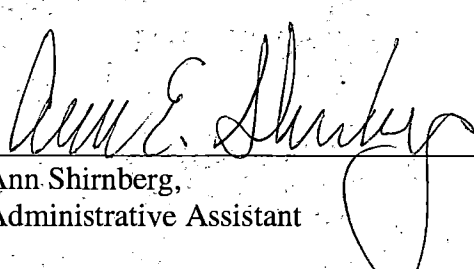
SECTION 6. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

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 27TH DAY OF OCTOBER, 2025.


Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

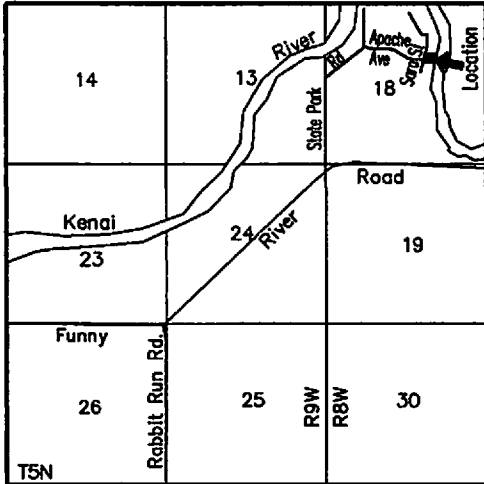

Ann Shirnberg,
Administrative Assistant

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

Kenai Peninsula Borough Planning Commission Resolution 2025-27

Page 2





VICINITY 1" = 1 mile MAP

'Exhibit A'

KPB Planning Commission Resolution 2025-27.

Asbuilt Survey of Shop

Located on a portion of the North 440' of Government Lot 6 lying East of Sara St. and excepting Apache Acres Subd. Part 6.
 Located in the NE 1/4, Section 18, T5N, R8W, SM, Alaska.
 Kenai Recording District Kenai Peninsula Borough

Prepared for

John Robert Stevens
 P.O. Box 3171
 Erina, NSW 2250
 Australia

Prepared by

Johnson Surveying
 P.O. Box 27
 Clam Gulch, Ak 99568
 (907) 262-5772

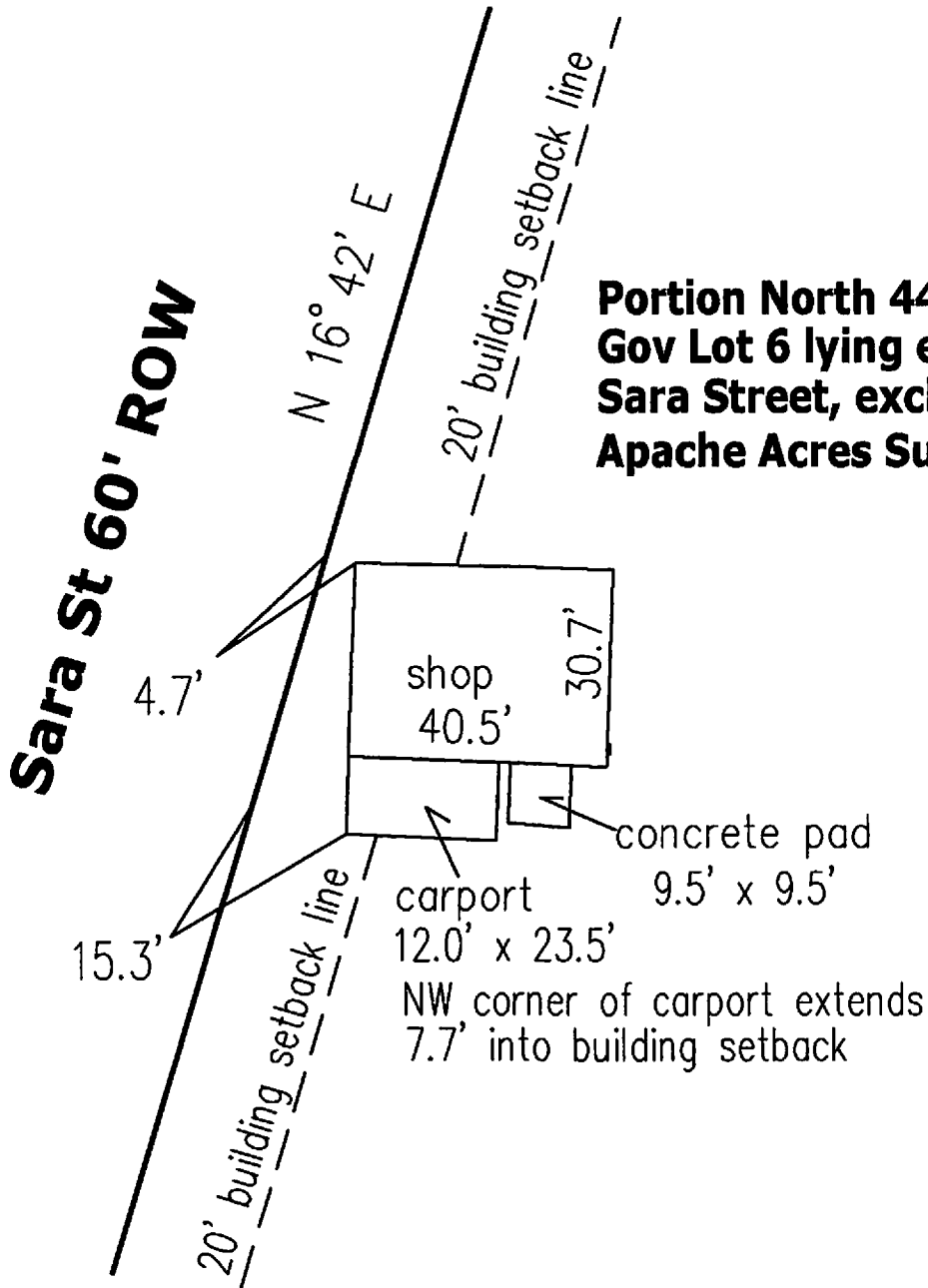
SCALE 1" = 60' 28 October, 2025

NOTES

Shop extends 15.3' into building setback.
 Carport extends 7.7' into building setback.



11-3-25



**Portion North 440' of
 Gov Lot 6 lying east of
 Sara Street, excluding
 Apache Acres Subd. Part 6**

