

## **E. NEW BUSINESS**

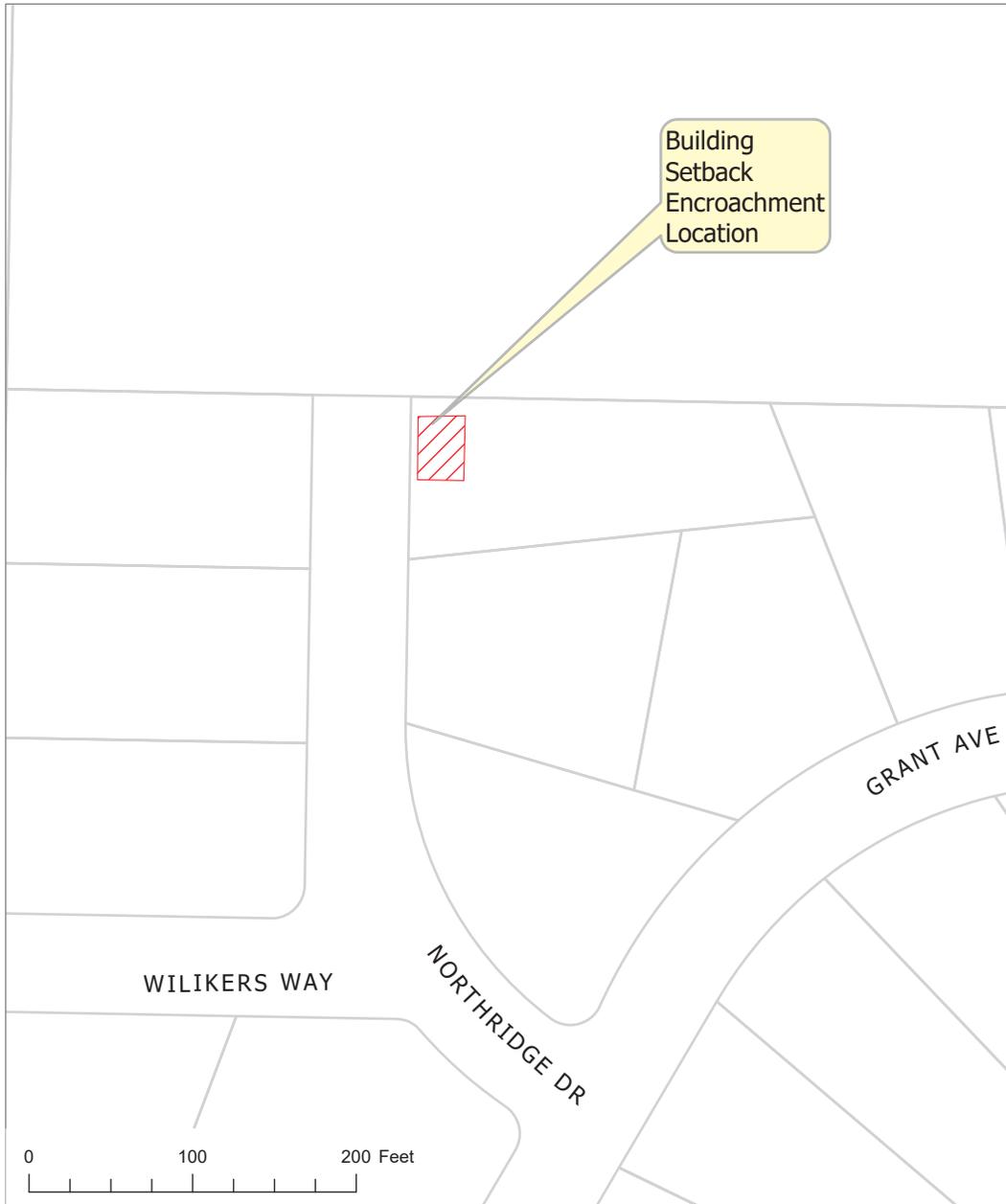
### **1. Building Setback Encroachment Permit**

**KPB File 2026-001; PC Resolution 2026-11**

**Segesser Surveys / Milliron**

**Request: Permits a portion of the garage to remain within the 20' building setback on the western lot line along Northbridge Dr. on Lot 1 Block 5 Willow Brook North Addition, Plat KN 98-42**

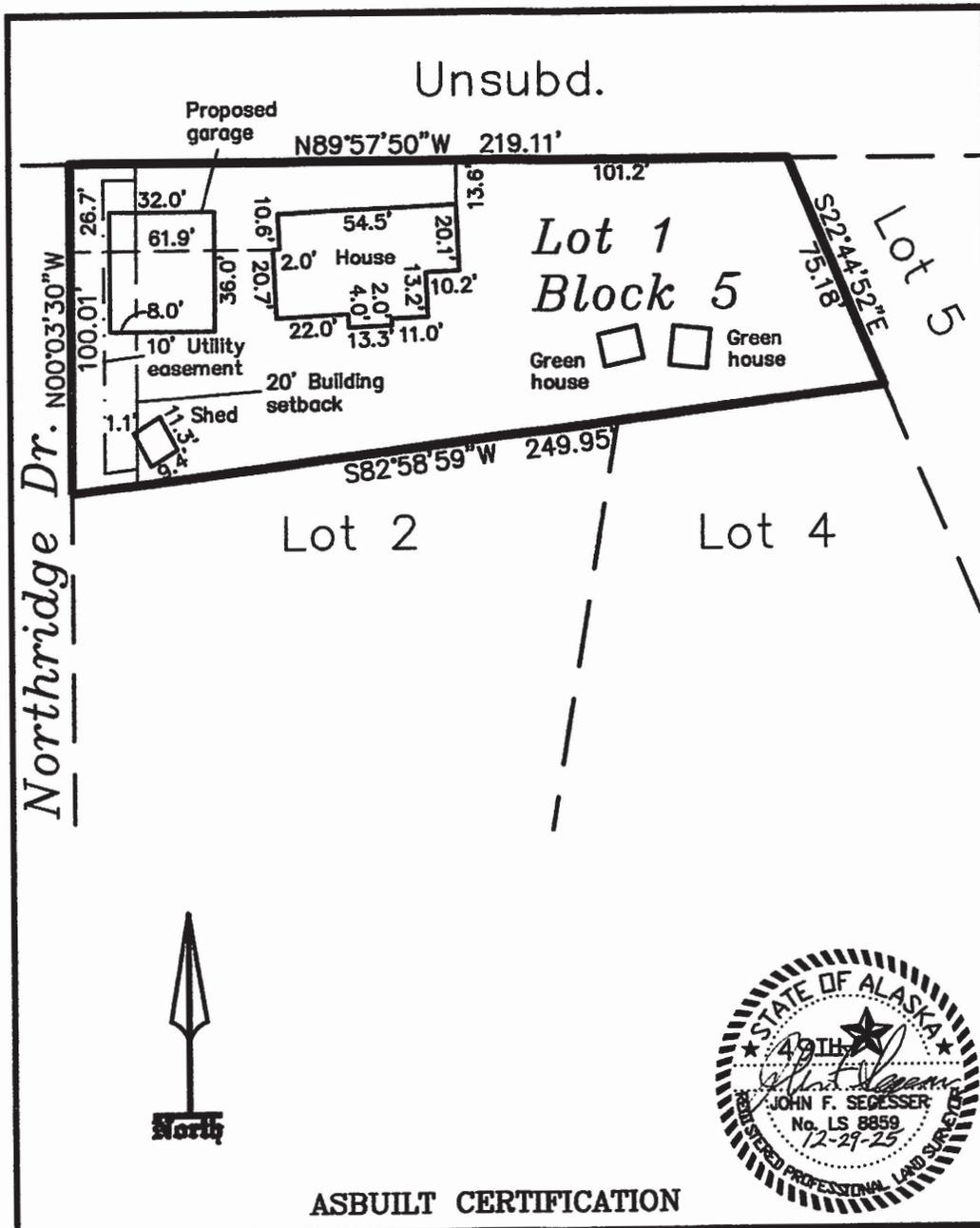
**Kalifornsky Area**



KPB File 2026-001  
T05N R11W SEC15  
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.



<b>LEGEND</b>		
● Found Rebar		
KENAI RECORDING DISTRICT		Plat: 98-42
Date: 12-19-25	Scale: 1"=50'	Drawn: JFS
Job: 24174	Book: 24-2	
<b>SEGESSER SURVEYS</b> 30485 ROSLAND ST. SOLDOTNA, AK 99889 (907) 282-3909		

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

Lot 1 Block 5  
Willow Brook North Addition

and that no encroachments exist except as indicated.

**Exclusion Note:**  
It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.

**KPB 2026-001**

AGENDA ITEM E. NEW BUSINESS

ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 1, BLOCK 5, WILLOW BROOK NORTH ADDITION, PLAT KN 98-42

<b>KPB File No.</b>	2026-001
<b>Planning Commission Meeting:</b>	February 9, 2026
<b>Applicant / Owner:</b>	Stephen D. and Randy M. Milliron of Soldotna, Alaska
<b>Surveyor:</b>	John Segesser, Segesser Surveys
<b>General Location:</b>	Northridge Drive, off of Even Lane, north of Kalifornsky Beach Road

<b>Parent Parcel No.:</b>	055-041-19
<b>Legal Description:</b>	T 5N R 11W SEC 15 Seward Meridian KN 0980042 WILLOW BROOK NORTH ADDN LOT 1 BLK 5
<b>Assessing Use:</b>	Residential Dwelling
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2026-11

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:**

The building setback encroachment permit application is for a portion of a building setback that is an undeveloped wooded section between the end of Northridge Drive and State DNR land.

A Building Setback Encroachment Permit was originally approved on 10/30/2024 by the Planning Commission. Construction of the garage was not completed within the one year time limit of the application and is still not complete. A new request must be completed, which is the reason for this submittal.

**Site Investigation:**

The submitted as-built depicts multiple existing structures on the property and a proposed garage. The two structures located on the west of the lot encroach into the 20-foot building setback along Northridge Drive.

The 9.4-foot by 11.3-foot shed encroaches approximately 1.1 feet into the 20-foot building setback. The proposed 32-foot by 36-foot garage is shown encroaching 8 feet into the building setback when complete.

Northridge Drive is a 60-foot dedication that is constructed and borough-maintained up to the south edge of Lot 1, Block 5, and Lot 1, Block 7, Plat KN 98-42. At the south edge of Lot 1 Block 5 and Lot 1 Block 7 the road stops and continues as driveways into the respective properties.

The sight distance along Northridge Drive is not currently impacted by the encroachments as the road is straight. A future extension of Northridge Drive is feasible, and depending on the design, the proposed garage may create a sight distance concern because of its location near the corner of the lot.

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**Staff Analysis:**

Willow Brook North Addition (KN 98-42), subdivided the SE1/4 SE1/4 of Section 15 and a part of NE1/4 NE1/4 of Section 22, both within Township 5 North, Range 11 West, Seward Meridian, Alaska. The subdivision created the affected parcel, Lot 1, Block 5, located along the northern boundary of the subdivision. The parent plat also dedicated Northridge Drive from Grant Avenue to the adjacent DNR-owned parcel to the north and required a 20-foot building setback from all street rights-of-way.

The subject parcel is 20,000 square feet (0.46 acres). Portions of the lot appear to contain developable areas where the garage could be constructed outside of the building setback.

Based on KPB GIS contours data, the terrain of the subject lot is relatively flat, with a slight slope toward the north.

No wetlands affect the subject area according to KPB GIS data.

Currently, Northridge Drive provides access to six developed parcels and ends at the northern boundary adjacent to the State of Alaska DNR parcel. Northridge Drive is one of two access points to the DNR parcel, the other being Phillips Drive to the east. The approximately 32-acre parcel could be developed in the future, and the two rights-of-way could be connected. Additionally, the Kenai River abuts the DNR parcel, and Northridge Drive may serve as a future access point to the river.

KPB Code Compliance officer has recommended relocating the garage outside of the building setback, as its current placement would block potential future access to the DNR parcel (PIN 05503107).

On October 28, 2024, the Planning Commission reviewed and granted conditional approval of the referenced building setback encroachment permit via Resolution 2024-16. Conditions included recording a current as-built within one year of approval. A current as-built depicting the constructed garage has not been submitted, resulting in the file expiring on October 28, 2025.

On January 2, 2026, the Platting Department received a building setback encroachment permit application with an as-built dated December 19, 2025. This as-built includes two greenhouses on the east side of the subject lot that were not depicted on the original as-built; all other information remains unchanged.

**Applicant Discussion:**

The building setback encroachment permit application is for a portion of a building setback that is an undeveloped wooded section between the end of Northridge Drive and State DNR land. Originally approved on 10/30/2024. Construction was not completed within one year. Request a renewal. The greenhouse previously on the right-of-way has been moved to the east side of the property.

**Applicant Findings:**

1. It is an undeveloped road and therefore there is no road maintenance.
2. This section of the right of way is straight and relatively flat.
3. The encroachment is on the east side with no interference of sight lines.
4. There is no travel through this area; therefore, there is no safety hazard.
5. The shed located on the south of the lot will be moved in the spring.
6. If the road is developed in the future, the garage will be 10-feet back of the right-of-way and not interfere with road maintenance, sight lines, or create any safety hazards.

**Staff Discussion:**

KPB 20.10.110 (A) Unless otherwise regulated by city zoning ordinances of properties within its boundaries, any person desiring to construct, or cause, an encroachment within a building setback shall apply for a building setback encroachment permit to the planning department. Failure to obtain an encroachment permit is subject to remedies set forth in KPB 20.10.030.

KPB 20.90.010

- "Building setback" is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance.
- "Permanent structures" for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings. Improvements of a minor nature that do not interfere with the sight distance from the right-of-way are allowed. Examples of allowable improvements are well casings, low retaining walls, vent pipes, individual mailboxes, address sign posts and transparent fencing such as metal chain link.

**Staff Findings for the Commission's review:**

7. The 9.4-foot by 11.3-foot shed encroaches approximately 1.1 feet into the 20-foot building setback.
8. The proposed 32-foot by 36-foot garage encroaches 8 feet into the building setback.
9. In 1998, Willow Brook North Addition (KN 98-42) dedicated Northridge Drive from Grant Avenue to the adjacent DNR-owned parcel to the north.
10. The parent plat (KN 98-42) required a 20-foot building setback from all street rights-of-way.
11. The subject parcel is 20,000 square feet (0.46 acres).
12. The subject parcel has a septic system and field located on the property.
13. Northridge Drive is a 60-foot dedication that is constructed and borough-maintained until the south edge of Lot 1, Block 5, and Lot 1, Block 7, Plat KN 98-42. The unconstructed portion appears to continue as driveways into the respective properties.
14. Currently, Northridge Drive dedication accesses six developed parcels and ends at the north, adjacent to an unsubdivided parcel.
15. The adjacent parcel to the north is 32.20 acres and is owned by the State of Alaska Department of Natural Resources.
16. The sight distance along Northridge Drive is not currently impacted by the encroachments as the road is straight.
17. Based on KPB GIS contours data, the terrain of the subject lot is relatively flat, with a slight slope toward the north.
18. No wetlands affect the subject area according to KPB GIS data.
19. KPB 20.90.010 "Building setback" is the area of the lot where permanent structures are not allowed. The purpose of the setback is to promote safe public access, areas for emergency response, and traffic sight distance.
20. "Permanent structures" for purposes of the building setback shall mean anything of a permanent nature that requires footings, foundations or pilings.

**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.
  2. The building setback encroachment may not interfere with sight lines or distances.
  3. The building setback encroachment may not create a safety hazard.
- 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	<p>Out of Jurisdiction: No</p> <p>Roads Director: Uhlin, Dil</p> <p>Comments: RSA has no objections at this. Building is in the setback.</p>
SOA DOT comments	No Response
KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie</p> <p>Floodplain Status: IS in flood hazard area</p> <p>Comments: This is within a non-regulatory X-Unshaded Zone, which is an area of minimal flood hazard. As this is in regards to a setback, Floodplain has no comment.</p> <p>Flood Zone: X (unshaded)</p> <p>Map Panel: 02122C-0145F</p> <p>In Floodway: False</p> <p>Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan</p> <p>Habitat Protection District Status: Is NOT within HPD</p> <p>Comments: No comments</p>
State of Alaska Fish and Game	No Response
Addressing	<p>Reviewer: Pace, Rhealyn</p> <p>Affected Addresses: 37254 Northridge Dr.</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: Northridge Dr.</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No comment</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: the existing structure is in violation of the 20 ft set back, allowing an exception would block future access to PIN 05503107. Recommend it be moved from the set back.</p>
LOZMS Planner	<p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	Reviewer: Windsor, Heather

**RECOMMENDATION:**

If the Commission determines the petitioner ***has not*** met the burden of proving by substantial evidence that each of the Standards is met, the Commission should deny the application, and it should explain its reasons.

If the Commission determines the petitioner ***has*** met the burden of proving by substantial evidence that each of the Standards is met, the Commission should identify the findings of fact, based upon substantial evidence from the record, which includes this Staff Report, it determines are applicable to the Standards, and incorporate the following conditions for final approval:

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 as-built with recommended corrections as noted below, to be used as an exhibit drawing for Resolution 2026-11, prepared, signed, and sealed by a licensed land surveyor.
4. 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.
5. Additional encroachments found on the new as-built will require a new hearing.

**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

- Provide confirmation of the shed being removed from the 20-foot building setback.
- Provide confirmation of structure removal from right-of-way.
- Include the Recorded Plat Number within the legal description

**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**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2026-11  
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT  
TO A PORTION OF THE TWENTY-FOOT BUILDING SETBACK FOR LOT 1,  
BLOCK 5, WILLOW BROOK NORTH ADDITION, PLAT KN 98-42; LOCATED  
WITHIN S15, T05N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI  
PENINSULA BOROUGH; KPB FILE NO. 2026-001**

**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**, Stephen D and Randy M Milliron of Soldotna, Alaska (Petitioners), have requested a building setback encroachment permit for a proposed thirty-two-foot by thirty-six-foot garage, which encroaches approximately eight feet into the twenty-foot building setback along Northridge Drive, as established by Willow Brook North Addition (KN 98-42); and

**WHEREAS**, on Monday, February 9, 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 petitioners have met the burden of proof with substantial evidence as to each of the three standards found in KPB 20.10.110(E) for the proposed garage along Northridge Drive.

**SECTION 2.** That an exception to the twenty-foot building setback requirement on Plat KN 98-42, Lot 1, Block 5, Willow Brook North Addition is hereby granted to accommodate only the encroaching portion of the proposed Garage based upon the following findings of fact:

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

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

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

**SECTION 3.** That any new, replacement, and/or additional construction will be subject to the twenty-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 twenty-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 one year 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

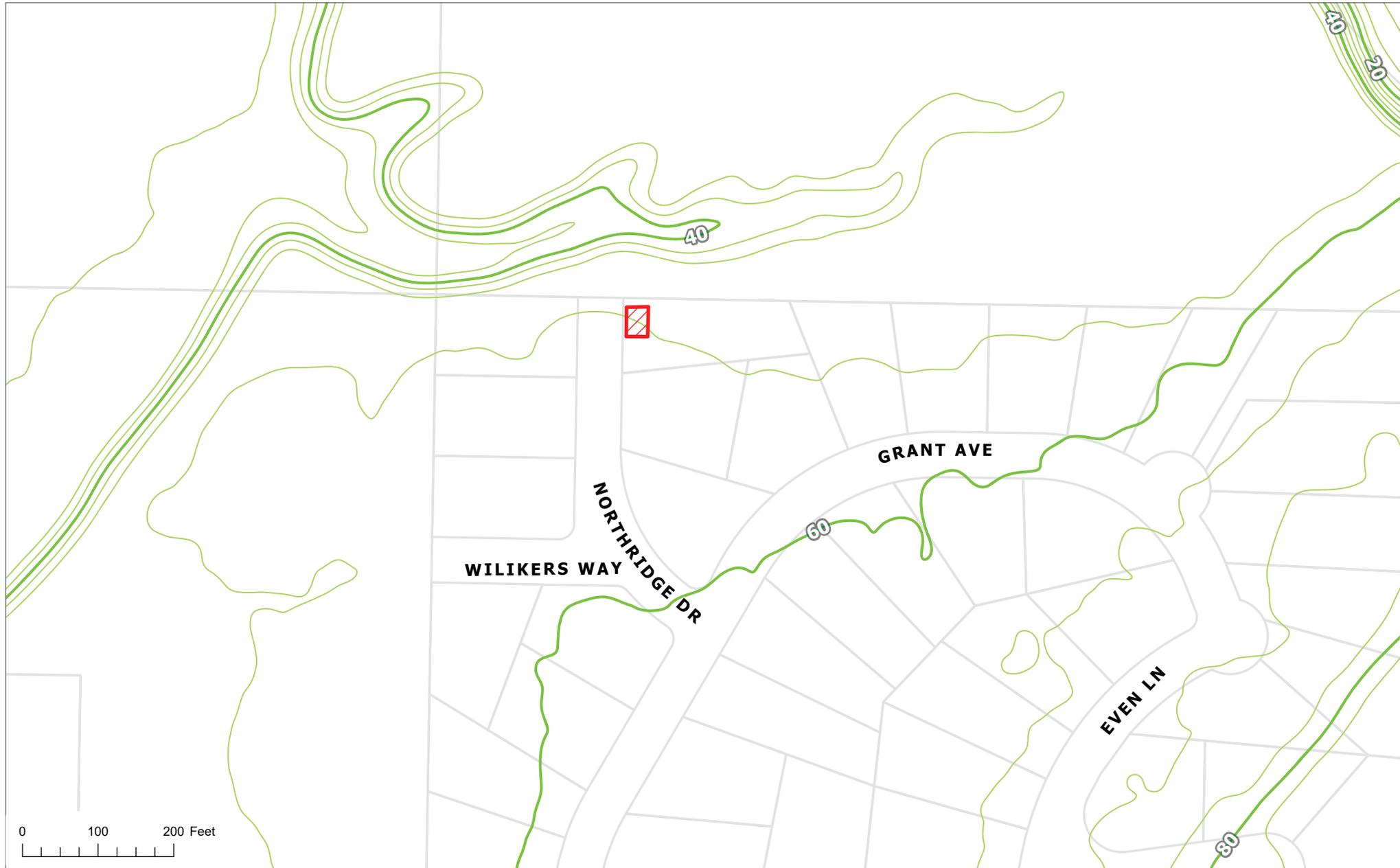




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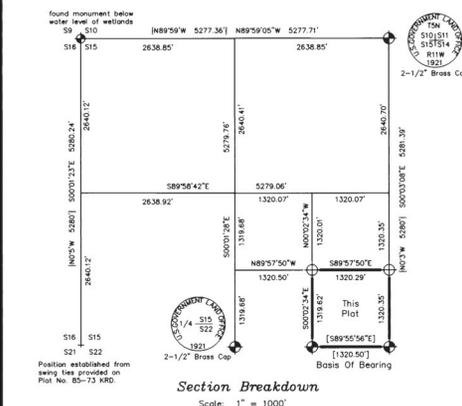


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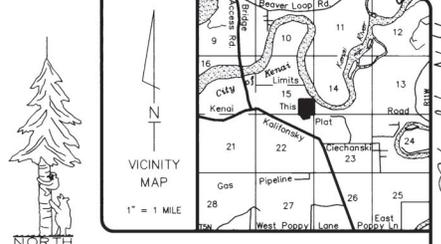
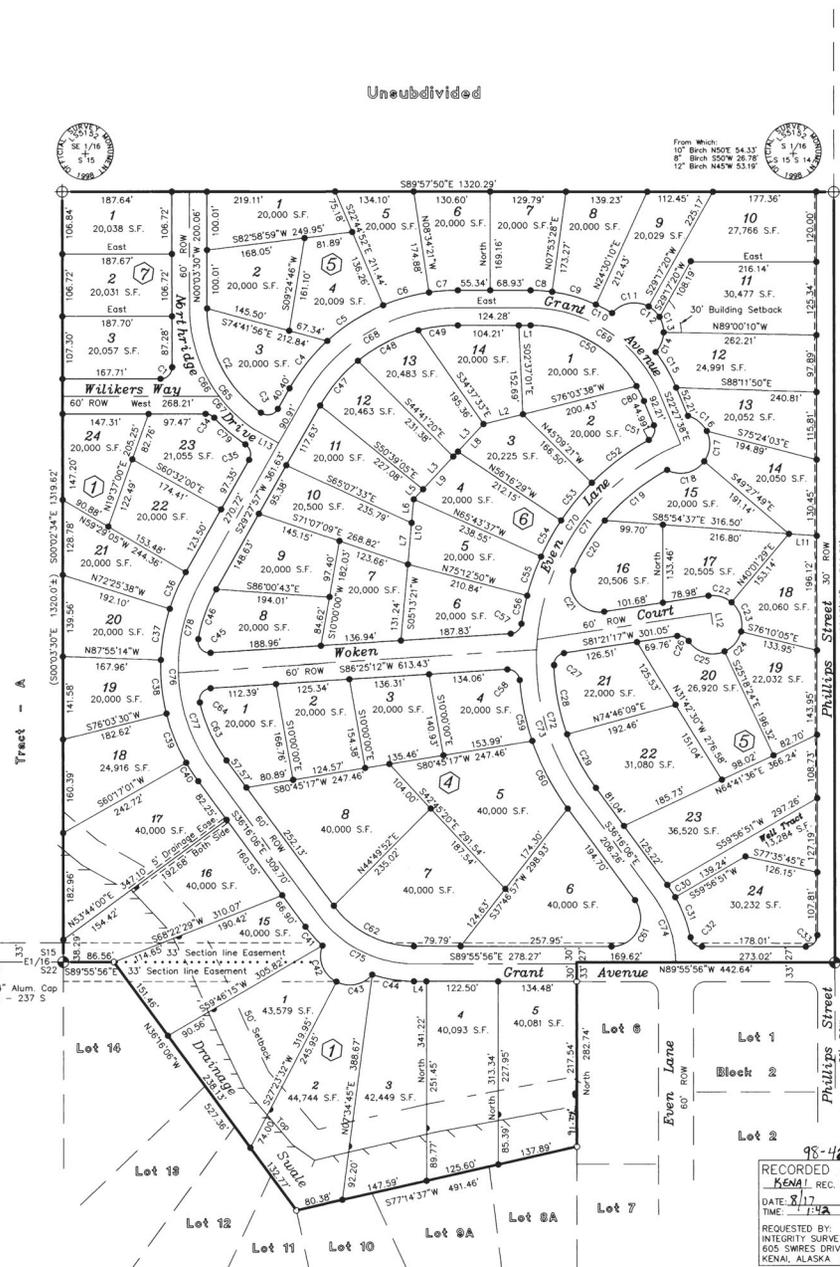
CURVE TABLE				CURVE TABLE							
CURVE	DELTA	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING	CURVE	DELTA	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING
C1	90°03'30"	20.00'	31.44'	28.30'	N44°58'15"E	C41	10°51'50"	230.00'	43.61'	43.54'	S41°42'01"E
C2	54°22'19"	223.00'	708.77'	201.03'	S27°14'40"E	C42	83°04'38"	50.00'	72.50'	68.31'	S23°04'09"E
C3	96°06'14"	20.00'	33.55'	29.75'	N77°31'04"E	C43	76°50'49"	50.00'	67.06'	62.15'	N78°58'07"E
C4	18°01'44"	330.00'	103.84'	103.41'	S38°28'49"W	C44	18°04'44"	230.00'	72.57'	72.27'	S80°33'34"E
C5	19°45'28"	330.00'	113.80'	113.23'	S57°22'24"W	C45	103°45'02"	20.00'	36.22'	31.47'	S41°42'17"E
C6	14°10'30"	330.00'	81.64'	81.43'	S74°20'24"W	C46	19°17'43"	270.00'	80.93'	80.50'	S19°48'05"W
C7	08°34'21"	330.00'	49.37'	49.33'	S85°42'49"W	C47	21°20'56"	270.00'	100.60'	100.02'	S40°08'25"W
C8	07°53'28"	270.00'	37.19'	37.16'	N86°03'16"W	C48	24°45'22"	270.00'	116.66'	115.75'	S63°11'34"W
C9	16°36'42"	270.00'	78.28'	78.01'	N73°48'11"W	C49	14°25'45"	270.00'	68.00'	67.87'	S82°42'07"W
C10	06°19'09"	270.00'	31.34'	31.32'	N60°10'19"W	C50	89°45'50"	210.00'	219.08'	209.25'	N60°07'05"W
C11	79°11'44"	50.00'	69.11'	63.74'	S79°38'09"W	C51	83°37'14"	20.00'	29.19'	26.67'	N19°20'59"E
C12	30°02'41"	50.00'	76.22'	25.92'	N45°44'37"W	C52	16°18'57"	430.00'	122.45'	122.04'	S63°00'07"W
C13	31°43'06"	50.00'	82.68'	27.33'	N1°51'44"W	C53	11°07'07"	430.00'	83.44'	83.31'	S39°37'08"W
C14	42°36'16"	50.00'	97.18'	36.33'	N22°17'57"E	C54	09°27'08"	430.00'	70.94'	70.86'	S28°59'57"W
C15	15°03'10"	270.00'	70.83'	70.73'	N29°52'13"W	C55	09°29'13"	430.00'	71.20'	71.12'	S19°31'47"W
C16	48°58'03"	50.00'	72.73'	41.44'	N51°06'25"W	C56	06°32'22"	430.00'	49.08'	48.05'	S63°00'07"W
C17	62°48'40"	50.00'	54.81'	52.11'	N04°44'56"E	C57	78°10'24"	20.00'	22.22'	25.22'	N47°20'02"E
C18	81°33'35"	50.00'	71.17'	65.32'	N76°58'04"E	C58	89°00'38"	20.00'	31.07'	28.04'	N49°04'29"W
C19	21°26'54"	370.00'	138.51'	137.70'	S50°51'19"W	C59	14°11'34"	430.00'	106.52'	106.24'	S11°38'57"E
C20	19°45'28"	370.00'	101.76'	101.44'	S32°15'07"W	C60	17°30'22"	430.00'	131.38'	130.87'	S27°30'58"W
C21	12°30'06"	50.00'	107.35'	87.89'	S37°08'10"E	C61	108°20'10"	50.00'	110.25'	89.23'	N28°33'56"E
C22	48°40'12"	50.00'	42.47'	41.21'	N74°18'37"W	C62	53°39'50"	170.00'	159.22'	153.47'	S63°06'01"E
C23	63°48'26"	50.00'	55.68'	52.85'	N18°04'18"W	C63	23°20'51"	270.00'	110.02'	109.26'	S24°35'40"E
C24	52°30'15"	50.00'	45.92'	44.23'	N40°05'03"E	C64	99°20'27"	20.00'	34.68'	30.49'	S84°54'58"W
C25	79°18'29"	50.00'	69.50'	64.04'	S73°54'39"E	C65	96°24'39"	250.00'	246.14'	236.32'	S28°15'50"E
C26	64°37'23"	20.00'	22.56'	21.38'	N66°20'02"W	C66	37°04'35"	250.00'	161.78'	158.97'	S18°35'42"E
C27	82°43'01"	20.00'	28.87'	26.43'	S39°59'46"W	C67	18°20'04"	250.00'	84.36'	83.96'	S48°48'07"E
C28	18°40'39"	370.00'	120.72'	120.19'	S10°47'48"W	C68	60°23'03"	300.00'	316.98'	302.42'	S59°33'56"W
C29	16°12'43"	370.00'	104.69'	104.34'	S29°09'44"E	C69	87°33'22"	240.00'	282.91'	266.81'	N58°13'49"W
C30	06°14'24"	230.00'	25.05'	25.04'	N33°08'54"W	C70	65°03'33"	400.00'	454.20'	430.19'	S35°00'35"W
C31	18°27'46"	230.00'	74.11'	73.79'	N20°47'48"W	C71	62°32'19"	400.00'	436.80'	415.25'	S38°16'12"W
C32	72°22'00"	20.00'	27.36'	25.27'	S50°44'57"E	C72	41°16'09"	400.00'	286.11'	281.93'	S15°28'03"E
C33	90°11'00"	20.00'	31.48'	28.33'	N45°02'24"E	C73	38°44'54"	400.00'	270.52'	265.39'	S16°53'39"E
C34	47°57'10"	20.00'	16.74'	16.25'	N66°01'28"W	C74	35°21'32"	200.00'	123.43'	121.48'	N18°35'20"W
C35	86°56'06"	20.00'	30.00'	27.26'	N13°30'06"W	C75	53°29'50"	200.00'	187.32'	180.55'	S63°00'01"E
C36	11°53'35"	330.00'	68.50'	68.38'	S20°33'19"W	C76	65°44'03"	300.00'	344.19'	329.92'	S32°40'05"E
C37	15°29'36"	330.00'	89.23'	88.96'	S09°49'34"W	C77	34°29'18"	300.00'	180.58'	177.87'	S19°01'27"E
C38	16°01'16"	330.00'	92.27'	91.97'	S05°55'52"E	C78	31°14'45"	300.00'	163.60'	161.58'	S13°30'34"W
C39	15°46'29"	330.00'	90.86'	90.57'	S21°49'44"E	C79	11°25'19"	280.00'	70.48'	70.29'	S49°15'30"E
C40	06°33'07"	330.00'	37.74'	37.72"	S32°56'33"E	C80	07°46'32"	210.00'	78.50'	78.49'	N68°20'24"W



LINE	BEARING	DISTANCE
L1	East	20.07'
L2	S78°03'38"W	69.50'
L3	S42°41'23"W	76.11'
L4	N89°25'56"W	71.32'
L5	S42°41'23"W	23.38'
L6	S05°13'21"W	40.60'
L7	S05°13'21"W	71.15'
L8	S42°41'23"W	64.44'
L9	S42°41'23"W	111.15'
L10	S05°13'21"W	111.75'
L11	S85°54'37"E	47.92'
L12	N08°38'43"W	20.00'
L13	N60°32'07"W	46.46'

- LEGEND:**
- MONUMENT (found this survey)
  - 2-1/2" Alum. Cap. Monument (set)
  - 1-1/2" Alum. Cap Prop. Corner (found)
  - 5/8" Rebar (set)
  - Witness Corner 5/8" Rebar (set)
  - Record Datum - Carol Martin Subdivision Plot # 86-148 KR
  - Record Datum - Willow Brook Subdivision Phase 1 - Plot # 86-36 KR
  - Record Datum - GLO accepted 6/13/23
  - Block Number
  - 33' Section Line Easement Line

- NOTES:**
- Proposed land uses are recreational, residential, agricultural, and commercial.
  - Building Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
  - Front 10 ft. adjacent to rights-of-way along with an additional 10 ft. within 5 ft. of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a Utility to use the easement.
  - No structures permitted within panhandle portion of flag lot 10 and the Well Tract within Block 5.
  - Portions of this subdivision is served by a community water system approved by Alaska Department of Conservation on 1988, Public Water Service ID # 249434 & 249442.
  - WASTEWATER DISPOSAL:** Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.
- M. J. ... Engineer License # ... Date ...



**CERTIFICATE OF OWNERSHIP and DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN AND OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

I FURTHER CERTIFY THAT DEED(S) OF TRUST AFFECTING THIS PROPERTY DO NOT CONTAIN RESTRICTIONS WHICH WOULD PROHIBIT THIS REPEAT, OR REQUIRE SIGNATURE AND APPROVAL OF BENEFICIARY(IES).

*Clint D. Hall*  
Clint D. Hall, individually & as President  
Hall Quality Builders, Inc.  
P. O. Box 2828  
Kenai, Alaska 99611

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN BEFORE ME this 24th DAY of July 1998 for *Clint D. Hall*

*Walter J. ...*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 02/22/99

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 26, 1998

KENAI PENINSULA BOROUGH  
*Mark ...*  
AUTHORIZED OFFICIAL

**CERTIFICATE OF SURVEYOR**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.

*L.S. Sise*  
REGISTRATION No. 448  
DATE 14 AUGUST, 1998  
*Cliff Baker*  
REGISTERED LAND SURVEYOR

KPB FILE No. 98-086

**Willow Brook North Addition**

Located within the SE1/4 SE1/4 Sec. 15 & NE1/4, NE1/4 Sec. 22, T5N, R11W, S. M., Kenai Recording District, Kenai Peninsula Borough, Alaska  
Containing 45,607 Acres

**Integrity Surveys**  
605 Swires Drive Kenai, Alaska 99611-8363  
SURVEYORS PHONE -- (907) 283-9047 FAX -- (907) 283-9071 PLANNERS

REQUESTED BY: INTEGRITY SURVEYS  
605 SWIRES DRIVE  
KENAI, ALASKA 99611

RECORDED 20  
REC. DIST. 19  
DATE 8/17/98  
TIME 1:54 P.M.

JOB NO: 98049 REF: 96046 DRAWN: 17 June, 1998 CB  
SURVEYED: April-August, 1998 SCALE: 1" = 100'  
FIELD BK: 98-3 DISK: \D15\Willow Brook

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. He then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

**MOTION:** Commissioner Epperheimer moved, seconded by Commissioner Gillham to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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**AGENDA ITEM E. NEW BUSINESS**

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT  
WILLOW BROOK NORTH ADDITION LOT 1 BLOCK 5**

<b>KPB File No.</b>	2024-102
<b>Planning Commission Meeting:</b>	October 28, 2024
<b>Applicant / Owner:</b>	Steve & Randy Milliron / Soldotna
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	North of Kalifornsky Beach Rd off of Even Ln
<b>Parent Parcel No.:</b>	055-041-19
<b>Legal Description:</b>	Lot 1 Block 5 Willow Brook North Addition KN 98-42
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2024-16

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Steve Milliron; P.O. Box 757 Soldotna, AK 99669: Mr. Milliron is the applicant and made himself available for questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Epperheimer to adopt Planning Commission Resolution 2024-16, granting a building setback encroachment permit to a portion of the 20-foot building setback on Lot 1, Block 5, Willow Brook North Addition, Plat KN 98-42, adopting and incorporating by reference the staff report, staff recommendations and citing findings 4, 6 & 9 in support of standard one, findings 5 & 9 in support of standard two and findings 5, 6 & 9 in support of standard three.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASS BY UNANIMOUS VOTE:**

Yes - 8	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti,
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**ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT  
LUKE’S WILDERNESS ACRES LOT 8 / BRITTANY SPILLETT**

<b>KPB File No.</b>	2024-110
<b>Planning Commission Meeting:</b>	October 28, 2024
<b>Applicant / Owner:</b>	Brittany & Nick Spillett / Anchor Point, Alaska

AGENDA ITEM E. NEW BUSINESS

ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT  
WILLOW BROOK NORTH ADDITION LOT 1 BLOCK 5

<b>KPB File No.</b>	2024-102
<b>Planning Commission Meeting:</b>	October 28, 2024
<b>Applicant / Owner:</b>	Steve & Randy Milliron / Soldotna
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	North of Kalifornsky Beach Rd off of Even Ln

<b>Parent Parcel No.:</b>	055-041-19
<b>Legal Description:</b>	Lot 1 Block 5 Willow Brook North Addition KN 98-42
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2024-16

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:**

The existing right-of-way on the west side of the property is wooded land between the end of the Northridge Dr. and State Park land. The purpose for “building setback” does not apply to this section of the right-of-way.

**Site Investigation:**

There is an existing house and shed on the property. The shed is shown on the as-built as encroaching into the 20’ building setback line. The shed is 1.1’ into the building setback line.

There is a proposed garage shown encroaching across the building setback line. No distance across is given, but it looks to be approximately 9 feet into the building setback as it does not touch the 10’ utility easement.

According to KPB GIS data Northridge Dr stops at the south edge of Lot 1 Block 5. At the south edge of Lot 1 Block 5 and Lot 1 Block 7 across the street the road stops and continues as driveways into the respective properties. It appears borough maintenance stops with the road. No traffic can go through the right-of-way beyond the south end of Lot 1 Block 5 all traffic must turn around.

To the north of Lot 1 Block 5 and the entire north line of this subdivision is land owned by the State of Alaska DNR abutting to the Kenai River. This is one of two access points to the high side of the property, the rest is along the flats.

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**Staff Analysis:**

The subdivision of Willow Brook North Addition KN98-42 was platted from the SE1/4 SE1/4 Section 15 and a part of NE1/74 NE1/4 Section 22 both in Township 5 North, Range 11 West, SM, Kenai Recording District, Kenai Peninsula Borough, Alaska. Lot 1 Block 5 is located on the northern border of the subdivision.

The terrain of Lot 1 Block 5 is relatively flat with a slight slope to the north towards the DNR land.

The plat is in the Kalifornsky APC which is not currently active.

**Applicant Discussion:**

**Applicant Findings:**

- 1. East side of property contains the septic tank and leech field
- 2. Cost of extending the driveway to the east side of the lot
- 3. Lot is narrower on the east side and would limit the size of garage.

**Staff Findings:**

- 4. No traffic goes past property
- 5. Road is straight along this segment, not a sight distance issue
- 6. Garage location will not be a hazard to the public.
- 7. Shed should be moved to be out of setback
- 8. There looks to be room from house to garage, to place garage closer to house outside setback.
- 9. Road stops short of lot, only driveways in front of lot.
- 10. Setback line was created by Willow Brook North Addition KN98-42

**20.10.110. – Building setback encroachment permits.**

E. The following standards shall be considered for all building setback encroachment permit applications. Staff recommends the 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 4, 6 & 9 appear to support this standard.**

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

**Findings 5 & 9 appear to support this standard.**

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

**Findings 5, 6 & 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  Roads Director: Griebel, Scott Comments: The RSA does not manage setback. The allowance presents little impact to the current level of development other than limited maintenance equipment turnaround space. However, Northridge Dr. termination provides access for the development of unsubdivided parcel 05503107 to the North and likely a portion of 05503101 to its West. This appears to be property prime for potential development, raising the likelihood of future ROW extension.
SOA DOT comments	No comment
KPB River Center review	A. Floodplain  Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area

	<p>Comments: Per the new FEMA maps, this is not within a flood hazard area.</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan  Habitat Protection District Status: Is NOT within HPD  Comments: No comments</p>
State of Alaska Fish and Game	
Addressing	<p>Reviewer: Leavitt, Rhealyn  Affected Addresses:  37254 NORTHRIDGE DR</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:  No other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No new construction should be allowed in the 20ft set back. The existing shed should be moved from the setback. The new construction should be designed as to preserve the setback.</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>
Advisory Planning Commission	

**Utility provider review:**

HEA	
ENSTAR	
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

**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 2024 as-built survey, subject to:

1. Compliance with KPB 20.10.110 sections F and G.
2. Providing a current as-built to be used as an exhibit drawing prepared, signed, and sealed by a licensed land surveyor after construction is complete.
3. The recording fees be submitted to the Kenai Peninsula Borough Planning Department for the recording of the resolution.
4. 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.
5. Additional encroachments found on the new as-built will require a new hearing.

**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**

BUILDING SETBACK ENCROACHMENT PERMIT CHECKLIST  
complete items are marked with a check box - ☑

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**20.10.110. – Building setback encroachment permits.**

*Platting staff comments: Staff reviewed the plat and all the items required by 20.10.110 were met, unless otherwise noted below:*

- A. Unless otherwise regulated by city zoning ordinances of properties within its boundaries, any person desiring to construct, or cause, an encroachment within a building setback shall apply for a building setback encroachment permit to the planning department. Failure to obtain an encroachment permit is subject to remedies set forth in KPB 20.10.030.
- B. A permit fee shall be charged for building setback encroachment permit as provided in the current approved Kenai Peninsula Borough Schedule of Rates, Charges and Fees. A person who fails to apply for, and obtain, a building setback encroachment permit prior to an enforcement notice being issued pursuant to KPB 21.50.100 is subject to enforcement.
- C. All building setback encroachments, including those that pre-date the effective date of this ordinance, must apply for a building setback encroachment permit. Permits for building setback encroachments that existed prior to the effective date of this ordinance shall pay the same permit fee as applies to permits received prior to placement or construction of the encroachment.
- D. When the building setback encroachment permit application is complete, it will be scheduled for the next available planning commission meeting.
- E. The following standards shall be considered for all building setback encroachment permit applications:
  - 1. The building setback encroachment may not interfere with road maintenance.
  - 2. The building setback encroachment may not interfere with sight lines or distances.
  - 3. The building setback encroachment may not create a safety hazard.
- 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.
- 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 BUILDING SETBACK ENCROACHMENT PERMIT CHECKLIST

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