

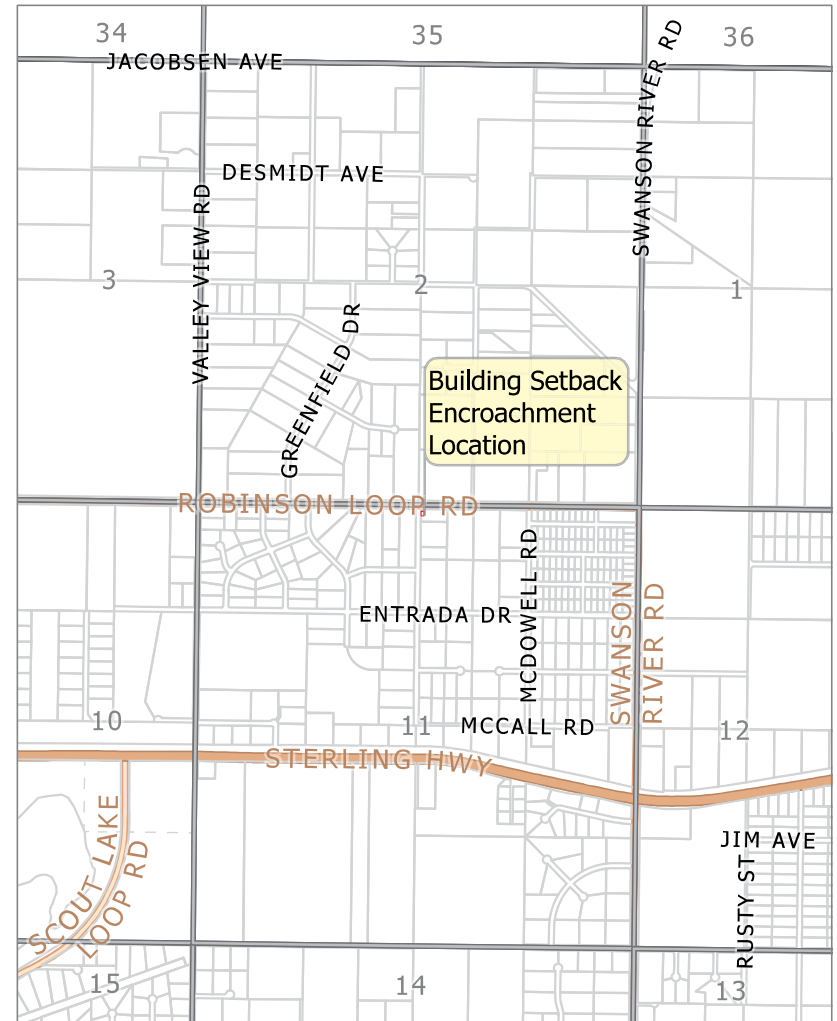
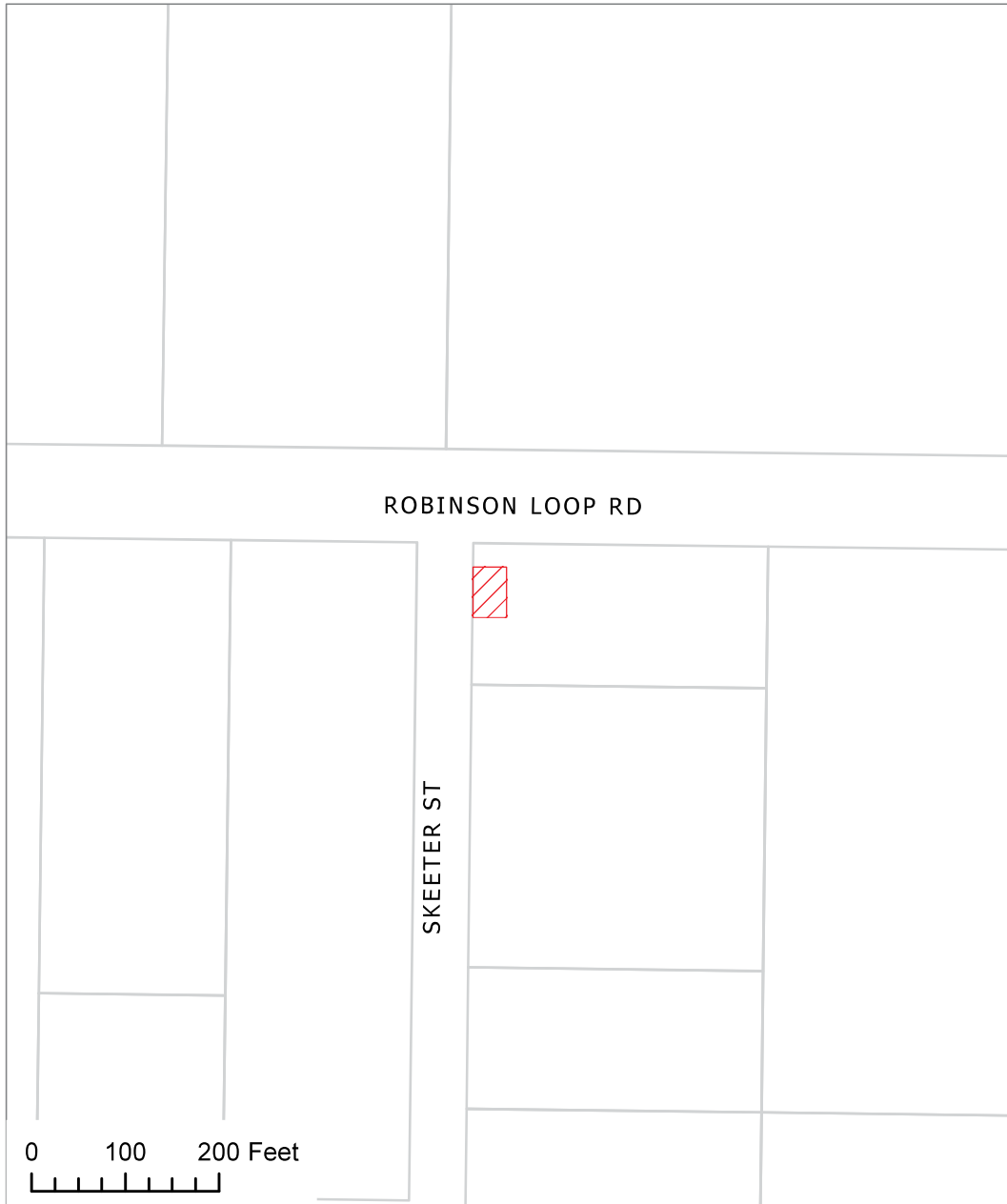
E. NEW BUSINESS

3. Building Setback Encroachment Permit; KPB 2025-124

PC Resolution 2025-25

Edge Survey & Design / Barrickman

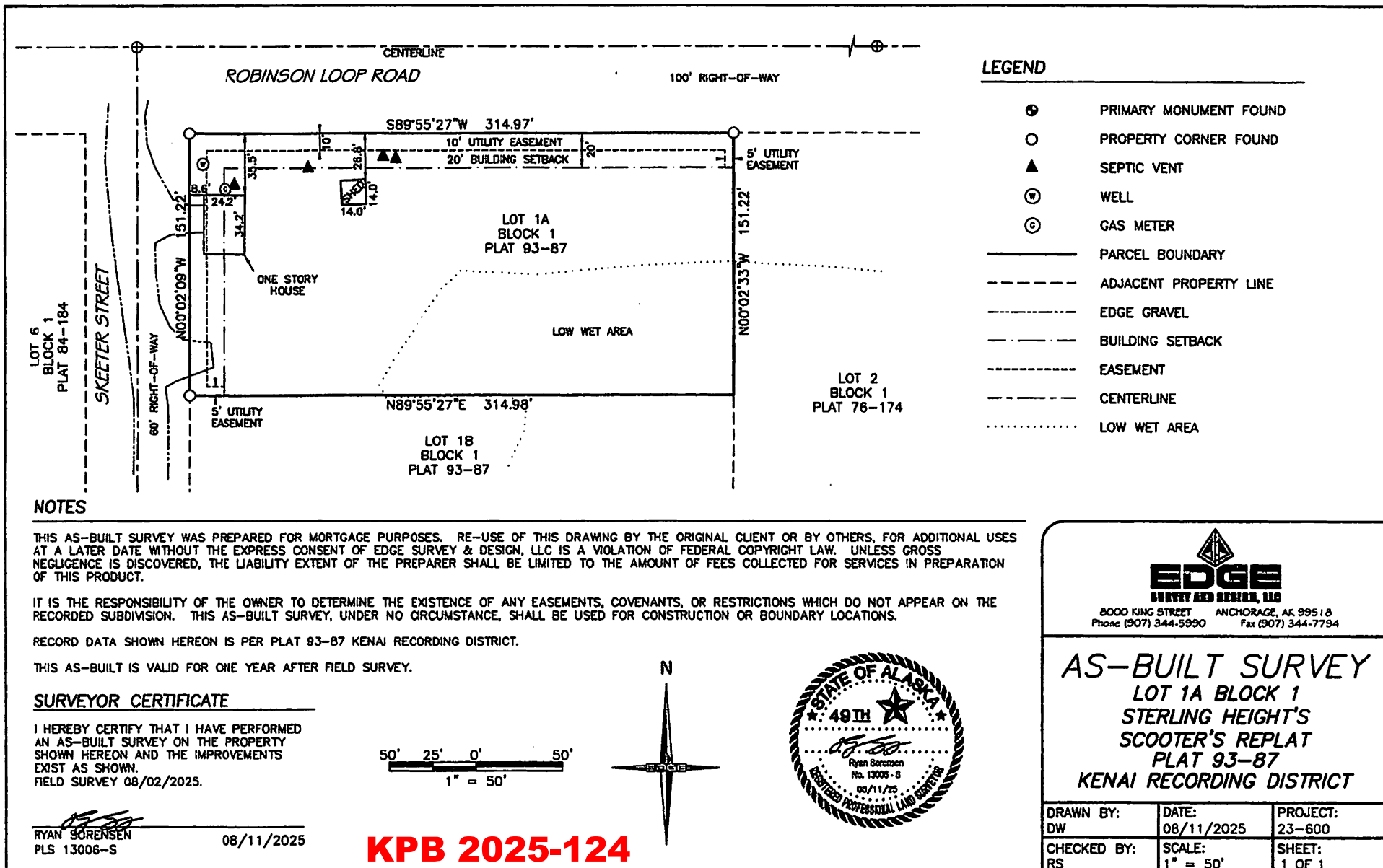
Request: Permits a portion of a newly constructed residential building & deck to remain in the 20' building setback on Lot 1A Block 1 Sterling Height's Scooter's Replat, Plat KN 93-87



KPB File 2025-124
T 05N R 09W SEC 11
Sterling



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.



AGENDA ITEM E. NEW BUSINESS

ITEM #3. – BUILDING SETBACK ENCROACHMENT PERMIT
PERMITS A PORTION OF A 24.2-FOOT BY 34.2-FOOT ONE-STORY HOUSE TO REMAIN ENTIRELY
WITHIN THE 20-FOOT BUILDING SETBACK ADJACENT TO SKEETER STREET WITHIN LOT 1A, BLOCK 1,
STERLING HEIGHTS SCOOTER’S REPLAT, PLAT KN 93-87, KRD.

KPB File No.	2025-124
Planning Commission Meeting:	October 27, 2025
Applicant / Owner:	Kathleen A. Barrickman of Sterling, AK
Surveyor:	Jason Young, Edge Survey & Design
General Location:	Skeeter Street, Sterling Area

Parent Parcel No.:	063-454-09
Legal Description:	T 5N R 9W SEC 11 SEWARD MERIDIAN KN 0930087 STERLING HEIGHTS SUB SCOOTER'S REPLAT LOT 1A BLK 1
Assessing Use:	Residential Mobile Home
Zoning:	Rural Unrestricted
Resolution	2025-25

STAFF REPORT

Specific Request / Purpose as stated in the petition:

The proposed structure is a new residential building replacing an existing use on the property. The as-built survey indicates that the new house is fully within the 20-foot building setback. This request seeks a variance to bring the structure into compliance with Kenai Peninsula Borough requirements.

Site Investigation:

The submitted as-built survey depicts a 24.2-foot by 34.2-foot one story house on the west boundary and a 14-foot by 14-foot shed near on the north boundary of Lot 1A, Block 1, Sterling Heights Scooter’s Replat (Plat KN 93-87). Comparing that information to KPB Imagery and KPB Assessing Records, it appears that a 12-foot by 44-foot manufactured home with a 12.5-foot by 23-foot addition attached to it was previously located within the same general area as the one-story house.

No building setback permits are on record for the subject lot. The petition reasoning and location of the one-story house are evidence that it was built in replacement of the manufactured house and addition. Staff received confirmation from the builder that the new structure replaced the old structure.

According to the as-built, a portion of the one-story house is within the 20-foot building setback along Skeeter Street and is approximately 8.6-feet from the western lot line. Correspondence between Platting staff and the builder confirmed that the unlabeled depicted square area located directly on the western lot line is a deck with no foundation. “Permanent Structures” as defined in KPB 20.90.010 refers to anything of a permanent nature that requires footings, foundations or pilings.

Skeeter Street is a 60-foot dedicated road that is privately maintained and connects to Robinson Loop Road from the north, continuing to the south and intersecting with McCall Road. Portions of the road to the south appear to be constructed. Per KPB Imagery, the road adjacent to the structure appears to currently be used as a drive to access the subject lot. Access to the adjacent lot to the south is off Maile Lane and Skeeter Street and does not appear to use Skeeter Street from the north.

Robinson Loop Road is a 100-foot state-maintained right-of-way. Approximately 35.2 feet of the road appears to be constructed at this time. No structures are located in the building setback along Robinson Loop Rd.

The structure does not appear to be in the line of sight for traffic traveling from the south on Skeeter Street due to the location on the corner. The travel portion of Skeeter Rd looks to sway to the west away from the structures when looking at the side aerial view.

Staff Analysis:

Sterling Heights Subdivision Addition No. 2 (KN 76-174) originally subdivided the land and dedicated the adjacent rights-of-way, Shady Lane and Robinson Loop Road. Shady Lane was renamed to Skeeter Street by PC Street Naming Resolution 2005-07. KN 76-174 created a 20-foot building setback along all dedicated rights-of-way as stated with a plat note. This building setback was carried forward to the most current plat, Sterling Heights Scooter's Replat (KN 93-87).

Sterling Heights Scooter's Replat (KN 93-87) includes a hatched depiction on Lot 1A indicating large portion of the northeast corner of Lot 1A to be designated for waste disposal.

The subject parcel was a material site that has been discontinued per the KPB Planners Review. KPB GIS Imagery shows a previous gravel pit and the contours of the property follow the site sloping to the south. The southeasterly portion of the property is within the former gravel pit and is depicted as a low wet area on the as-built. Directly to the south is a pond resulting from the prior existing use.

Traffic does not look to be a substantial issue along Skeeter St as the road is not fully developed from the south and is more used as access for this lot and the one to the south. Connection to Maile Ln is from the parcel further south but not going north to Skeeter St. Private maintenance of Skeeter St does not appear to be hindered by the location of the structure.

No wetlands affect the subject parcel or adjacent rights-of-way according to the KWF layer on KPB GIS imagery.

The affected area is within non-regulatory X-Unshaded Zone which is determined as an area of minimal flood hazard per the KPB Floodplain Layer. The KPB River Center Review has provided comments stating proper sloping and drainage should be planned around the structure and along Skeeter Street due to the location of the structure.

Applicant Discussion:

The proposed structure is a new residential building replacing an existing use on the property. The as-built survey indicates that the new house is fully within the 20-foot building setback. This request seeks a variance to bring the structure into compliance with Kenai Peninsula Borough Requirements.

Applicant Findings:

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.
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.

Staff Findings for the Commission's review:

5. Sterling Heights Subdivision Addition No. 2 (KN 76-174) created a 20-foot building setback along all dedicated rights-of-way.
6. This building setback was carried forward to the most current plat, Sterling Heights Scooter's Replat (KN 93-87).

7. No building setback permits are on record for the subject lot.
8. According to the as-built, a portion of the one-story house is within the 20-foot building setback along Skeeter Street.
9. Sterling Heights Scooter's Replat (KN 93-87) includes a hatched depiction on Lot 1A indicating a portion of the northeast section to be reserved for waste disposal.
10. The subject parcel was a material site that has been discontinued.
11. The southeasterly portion of the property is within the former gravel pit.
12. No wetlands affect the subject parcel or adjacent rights-of-way.
13. The structure does not appear to be in the line of sight along Skeeter St when coming from the south.
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.
17. Per KPB 20.90.010 "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.
18. Per 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.
19. Structure was rebuilt in same location prior to requesting an exception.
20. There is room available towards the shed for the one story house.

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	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: Home encroaches the 20' setback and the 10' utility easement
SOA DOT comments	
KPB River Center review	A. Floodplain

	Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: This is within non-regulatory X-Unshaded Zone, which is an area of minimal flood hazard. Due to proximity to right-of-way, recommend proper sloping and drainage around the structure and along roadway. Flood Zone: X (unshaded) Map Panel: 02122C-0295F In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	No Response.
Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 35465 ROBINSON LOOP RD Existing Street Names are Correct: Yes List of Correct Street Names: ROBINSON LOOP RD, SKEETER ST Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric Comments: Structures need to be permitted by Platting, Planning commission and Assembly.
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Prior Existing Use PEU Recognized Date: 10/19/1999 Material Site Comments: There were 2 PEUs adjacent to the parcel in question. PEU1991-001 and PEU1991-002 PID: 063-454-02 and 063-454-10, respectively. Both sites have been discontinued on 06/06/2025.
Assessing	Reviewer: Windsor, Heather Comments: No comment
HEA	No installed facilities within this easement. No objection.
ACS	No objections.

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit as presented, staff makes no recommendation to the Committee for approval or denial.

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. 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.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Within the title block, remove the apostrophe in "Heights."
- Add KPB File No 225-124 to title block
- Add to 'Low Wet Area' "Former Gravel Pit"

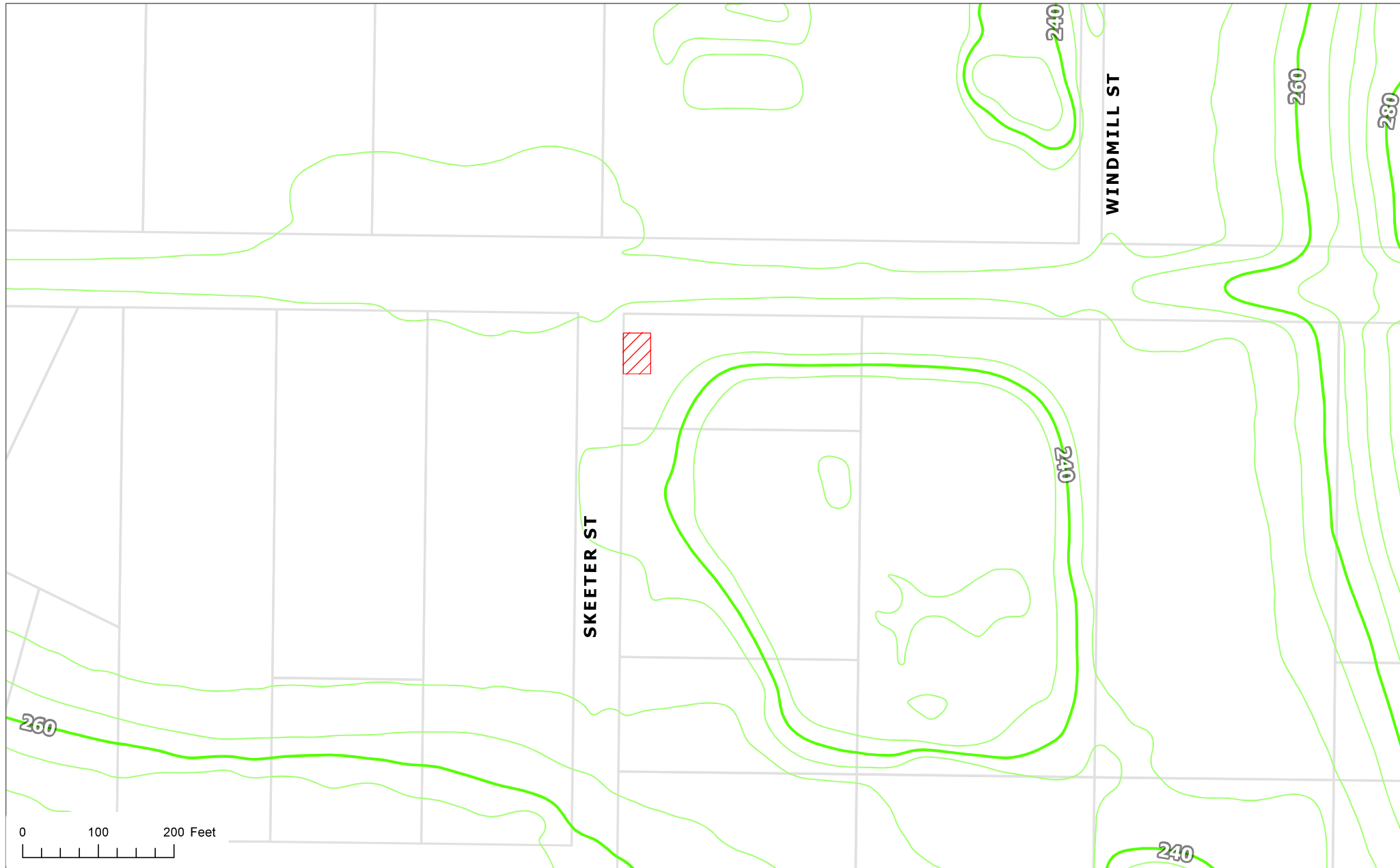
NOTE:

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



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ROBINSON LOOP RD

SKEETER ST

Eagleview

ROW Constructed width



05/13/2021

Sight Line



05/13/2021

E3-15

SURVEYOR'S CERTIFICATE

I hereby certify that; I am properly registered and licensed to practice land surveying in the State of Alaska, this sketch 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.

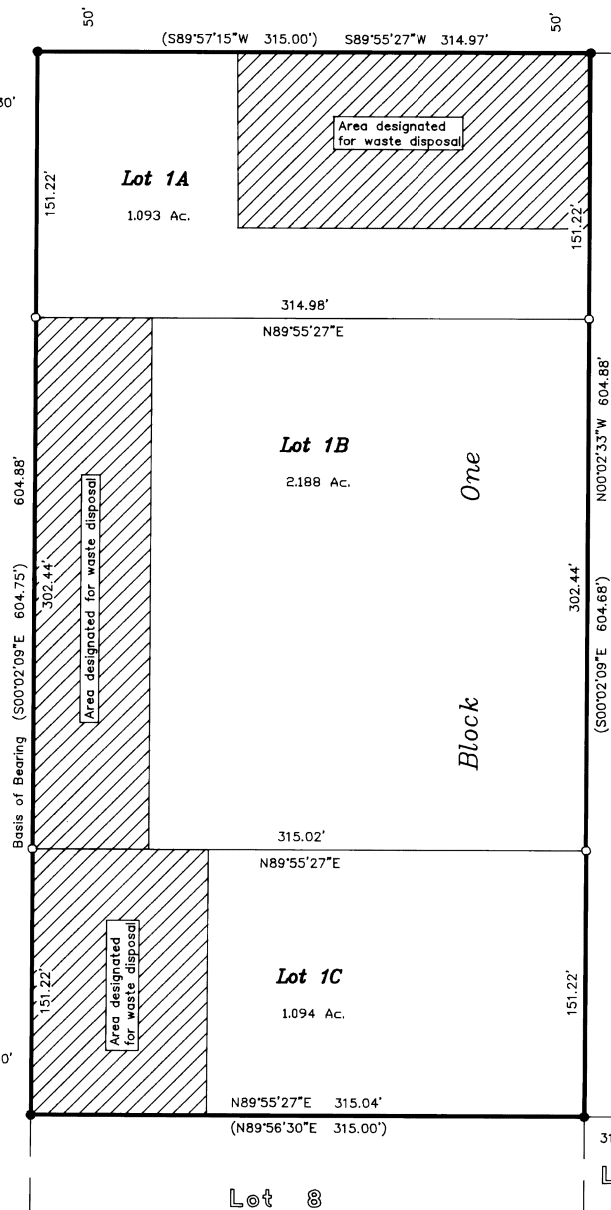
Date 2/22/93



Unsubdivided

Shady Lane

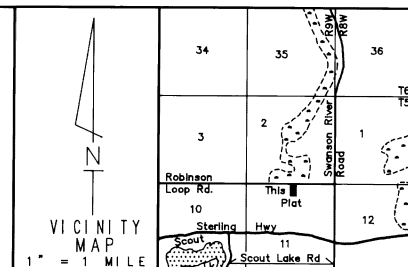
Robinson Loop Road



Lot 8

Lot 7

Sterling Heights Subd. Addn. No. 2



CERTIFICATE of OWNERSHIP and DEDICATION

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

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

Hugh R. Chumley Joe E. Chumley
Hugh R. Chumley Joe E. Chumley
P. O. Box 752
Sterling, Alaska 99672

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 22 DAY OF JANUARY, 1993 FOR Hugh R. Chumley & Joe E. Chumley

NOTARY PUBLIC
STATE OF ALASKA
CLIFF BAKER
My Commission Expires 9/12/93

Cliff Baker
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 9/12/93

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF June 8, 1992

KENAI PENINSULA BOROUGH

Richard T. Weger
AUTHORIZED OFFICIAL

KPB FILE No. 92-038

Sterling Heights Scooter's Replat

A resubdivision of Lot 1 Block 1 Sterling Heights Subdivision Addition No. 2, Plat No. 76-174.

Located within the NW1/4 NW1/4 Sec. 11, T5N, R9W, S.M., Sterling, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 4.374 Acres

INTEGRITY SURVEYS
HC2 BOX 385 SOLDOTNA, ALASKA 99669
SURVEYORS 2629461 PLANNERS

JOB NO. 92044	PLATTED: May 5, 1992
SURVEYED: May 5, 1992	SCALE: 1" = 50'
FIELD BK: 92-5, Pg 1-2	DI SK: STER-SC

93-87
RECORDED
Kenai REC. DIST. 20
DATE: 12/15 19 93
TIME: 8:36 A.M.
REQUESTED BY:
INTEGRITY SURVEYS
HC2 BOX 385
SOLDOTNA, AK 99669

NOTES:

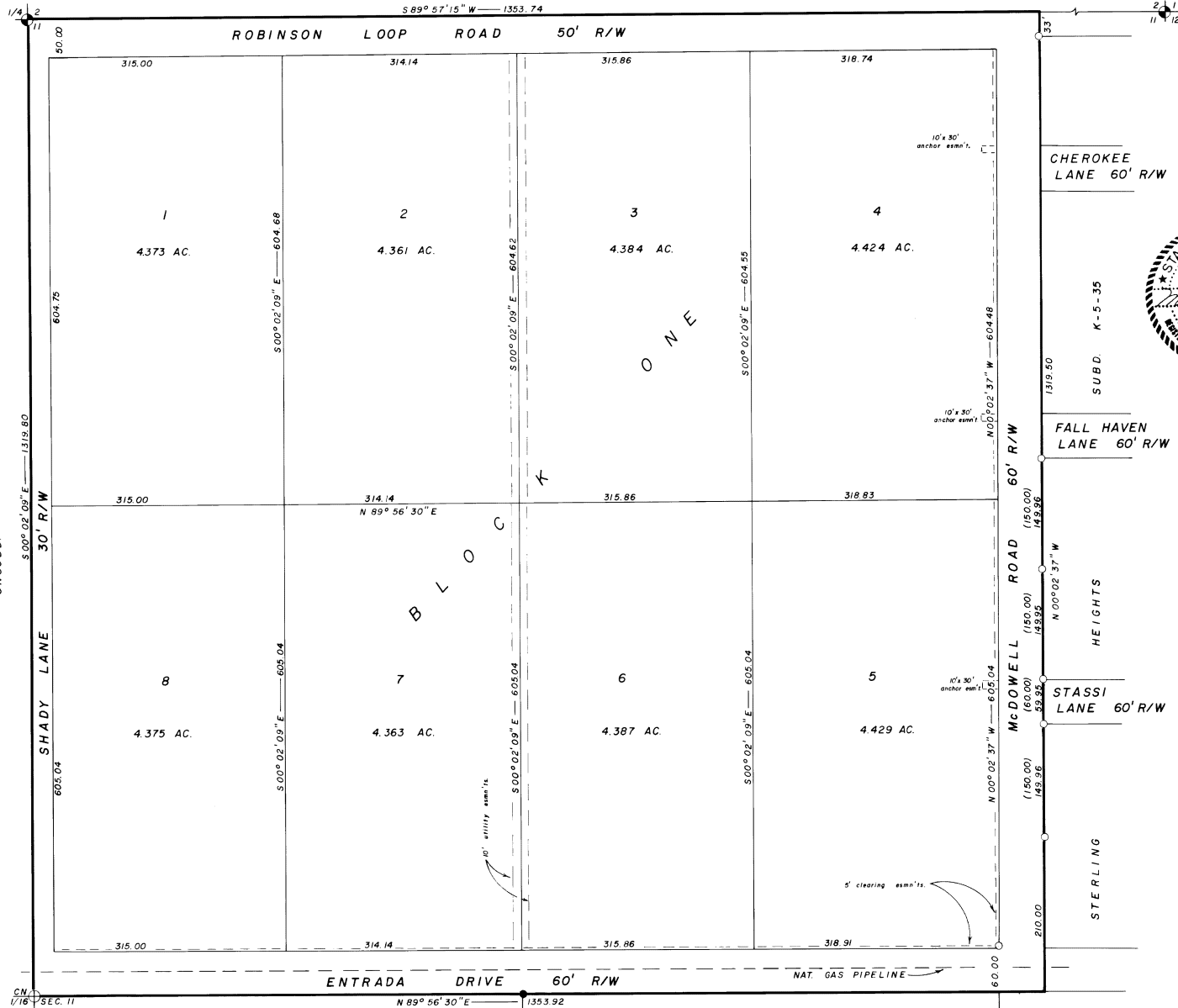
- 1) Proposed land uses are recreational, residential, agricultural, and commercial.
- 2) A setback of 20 feet is required from all street Right-of-Ways unless a lesser standard is approved by the appropriate planning commission.
- 3) No private access to State maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- 4) Front 10 feet of the building setback and the entire setback adjacent to Right-of-Ways, within 5 feet of the side lot lines is reserved as 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.
- 5) Basis of Bearing and all record datum obtained from Sterling Heights Subdivision Addition No. 2, Plat No. 76-174 KRD.
- 6) "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 Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation.

Subject to any noted restrictions,

The Alaska Department of Environmental Conservation approves this subdivision for platting.*

Cliff Baker LEA 1/15/93
signature title date

DUTCH BASIN SUBD.



LEGEND AND NOTES:

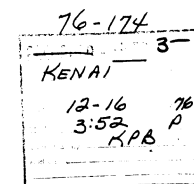
- Found U.S.G.L.O. B.C. monument
- Found official survey B.C.
- Found 1" al. cap monument
- Found 1/2" x 24" steel rebar
- Set 1/2" x 24" steel rebar at all lot corners.

All bearings refer to the NS centerline, Section II as S 0° 02' 09" E—datum of record, Sterling Heights Subd. Add. No. I.

All lots are subject to a 20' bldg. setback along dedicated R/W's.

Datum of record—K-5-35 shown in ().

All wastewater disposal systems shall comply with existing law at time of construction.



STERLING HEIGHTS SUBDIVISION ADDITION NO. 2

Fred F. and Thelma F. McCall, owners
Box 592, Sterling, Ak. 99672

DESCRIPTION

41.014 ACRES SITUATED IN THE N1/2 NE1/4 SEC. II, T5N, R9W, S.M. AK. AND THE KENAI PENINSULA BOROUGH.

Surveyed by: McLane & Associates
Soldotna, Alaska

PLAT APPROVAL

Plat approved by the
Commission this 15th
day of June, 1976.

Michael P. Wallace
Mayor or Planning Director

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.

Fred F. McCall
Fred F. McCall—owner—Box 592, Sterling, Ak. 99669

Thelma F. McCall
Thelma F. McCall—owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 15th day of
November, 1976. My commission expires
June 17, 1977.

Debbie M. Mendoza
Notary public for California

McCall Unsubd.
Remainder 40 AC

DATE OF SURVEY
10/1 - 10/4/76

SCALE
1" = 100'

BK. NO.
74-2

**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.

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 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 _____, 2025.**

_____ Jeremy Brantley, Chairperson Planning Commission	ATTEST:	_____ Ann Shirnberg, Administrative Assistant
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Return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669