



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-19
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 17, SUNNY SLOPE SUBDIVISION UNIT 1 (HM 75-33), GRANTED BY SUNNY SLOPE SUBDIVISION UNIT 1 (HM 75-33); IN NE 1/4 S04, T06S, R14W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2022-055

WHEREAS, per KPB 20.30.240 – Building Setbacks, a minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities; and

WHEREAS, Senungetuk Community Property Trust of Homer, AK requested a building setback encroachment permit for a detached garage on said lot; and

WHEREAS, per the petition, a garage was constructed in 2002 and is located up to 14.2 feet within the 20 foot building setback adjoining Ruth Way right-of-way; and

WHEREAS, the encroaching structure does not affect sight distance along the right-of-way; and

WHEREAS, on Monday, May 9, 2022, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed exception; and

WHEREAS, the Planning Commission found that granting the building setback encroachment permit will not be detrimental to the public interest; and

WHEREAS, 20.10.110 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish building setback encroachment permits by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. Approved a permit to allow only the encroaching portion of the detached garage that extends to 14.2 feet into the 20 foot building setback adjoining Ruth Way right-of-way on the west boundary of Lot 17, Sunny Slope Subdivision Unit 1 (HM 75-33), granted by Sunny Slope Subdivision Unit 1 (HM 75-33).

Section 2. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

Section 4. 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 2 of 2.

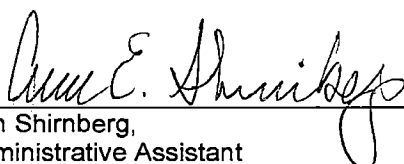
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. 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 9th DAY OF MAY, 2022.


Jeremy Brantley, Vice Chairperson
Planning Commission

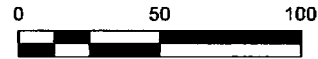
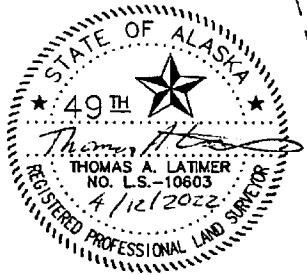
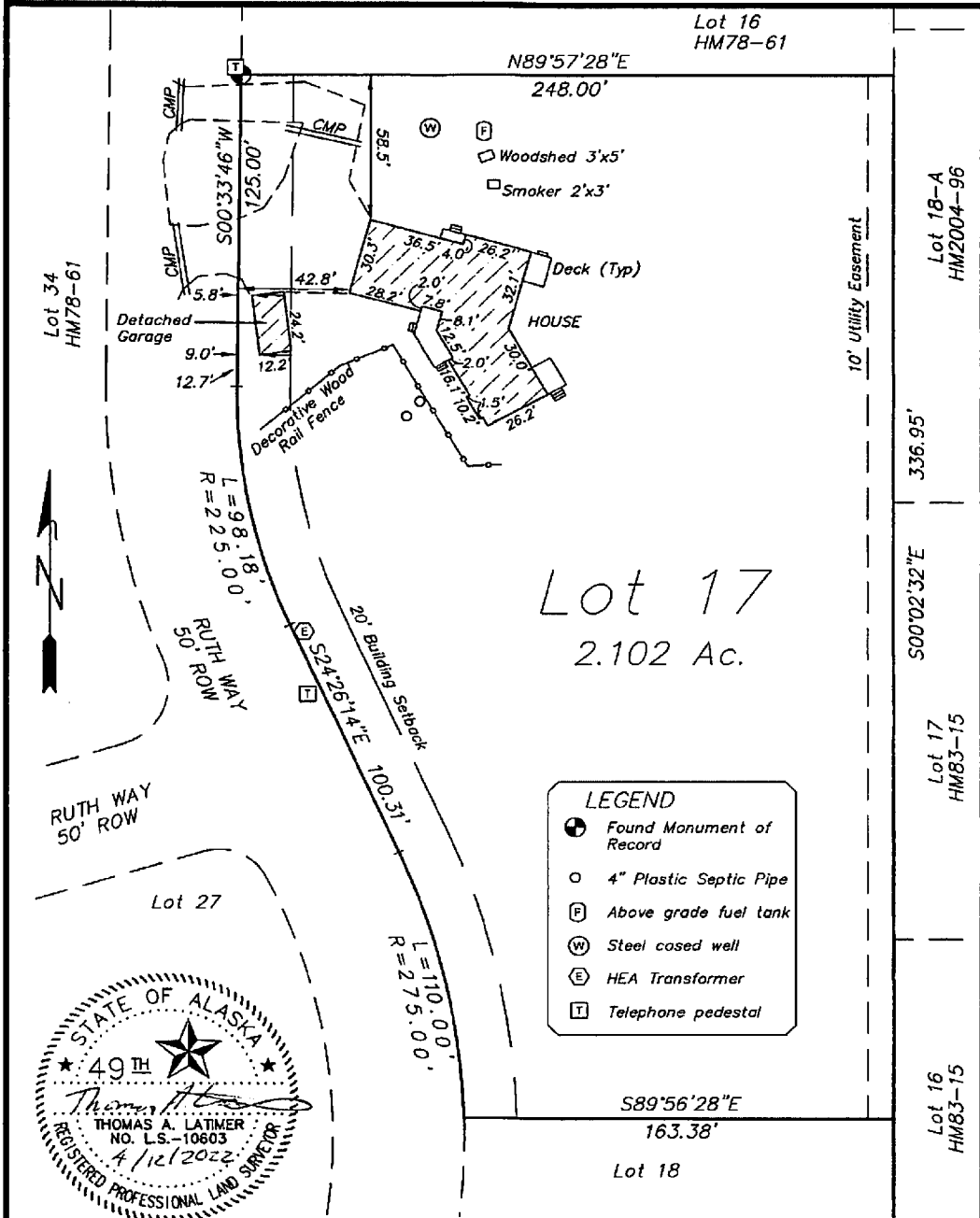
ATTEST:


Ann Shirnberg,
Administrative Assistant

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

Kenai Peninsula Borough Planning Commission Resolution 2022-19

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Asbuilt Survey Lot 17
Sunny Slope Subd Unit 1 HM75-33
Within NW1/4, Sec. 9, T6S, R14W, S.M.,
Kenai Peninsula Borough, Alaska
KPB Tax ID 17352017

Prepared by:
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Prepared for:
Senungetuk
Community
Property Trust
41020 Ruth Way
Homer, AK 99603

4/12/2022 Scale: 1"=50' FB: 23 Job# 966

