

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2021-35
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK ADJOINING THE SOUTH BOUNDARY OF LOT 2 BLOCK 1, NAFF SUBDIVISION PART TWO (KN 84-275); IN NW 1/4 SECTION 15, TOWNSHIP 5 NORTH, RANGE 9 WEST; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2021-145

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, Ramona C. and Alexander N. Connors of Sterling, AK requested a building setback encroachment permit to the 20-foot building setback granted by Naff Subdivision Part Two (KN 84-275); and

WHEREAS, per the petition the asbuilt survey shows that a portion of the garage is within the 20 foot building setback adjoining Tuffy Lane. The structure encroachment varies from 4.7 feet to 5.1 feet into the 20 foot building setback; and

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

WHEREAS, on Monday, November 29, 2021, 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. That the 20-foot building setback limit adjoining the south boundary of Lot 2 Block 1 Naff Subdivision Part Two (KN 84-275), is hereby excepted to accommodate only the encroaching portion of the garage, approximately 4.7' to 5.1', to be within the 20' Building Setback adjoining Tuffy Lane.

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 _____ DAY OF _____, 2021.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

Return to:
Planning Department
Kenai Peninsula Borough
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