



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2024-20  
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 5, TUKAKNA SKY SUBDIVISION (KN 0820110); IN NE 1/4 S15, T04N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2024-116

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, James Lee Musgrove of Soldotna, AK requested a building setback encroachment permit to the 20-foot building setback granted by Tukakna Sky Subdivision (KN 0820110); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, November 18, 2024, 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 on KN 0820110 Lot 5 is hereby excepted to accommodate only the encroaching portion of the House.

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

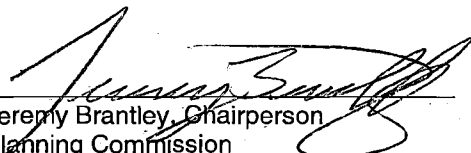
Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

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.

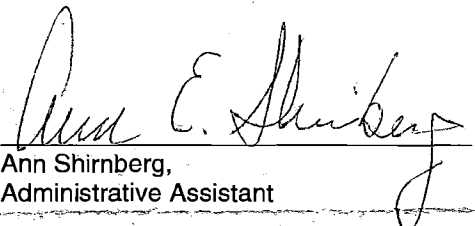
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

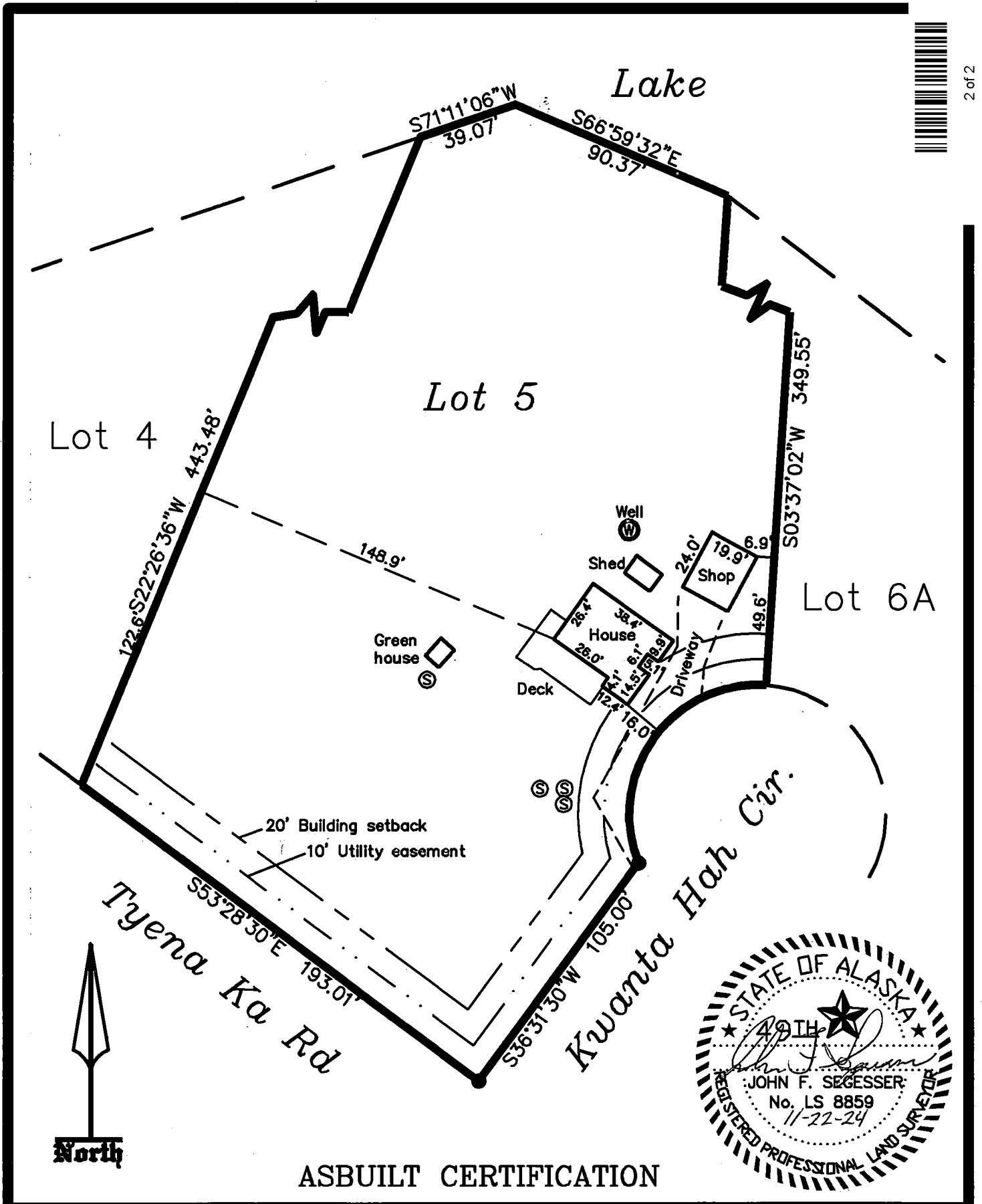
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 18<sup>TH</sup> DAY OF NOVEMBER, 2024.

  
Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

  
Ann Shirnberg,  
Administrative Assistant

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



ASBUILT CERTIFICATION

LEGEND

- Found Rebar
- ⊙ Sewer vent

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

Lot 5

Tukakna Sky Subdivision

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.

KENAI RECORDING DISTRICT

Plat: 82-110

Date: 11-7-24

Scale: 1"=50'

Drawn: JFS

Job: 24242

Book: 24-3

SEGESSER SURVEYS

30485 ROSLAND ST.  
SOLDOTNA, AK 99669  
(907) 262-3909