

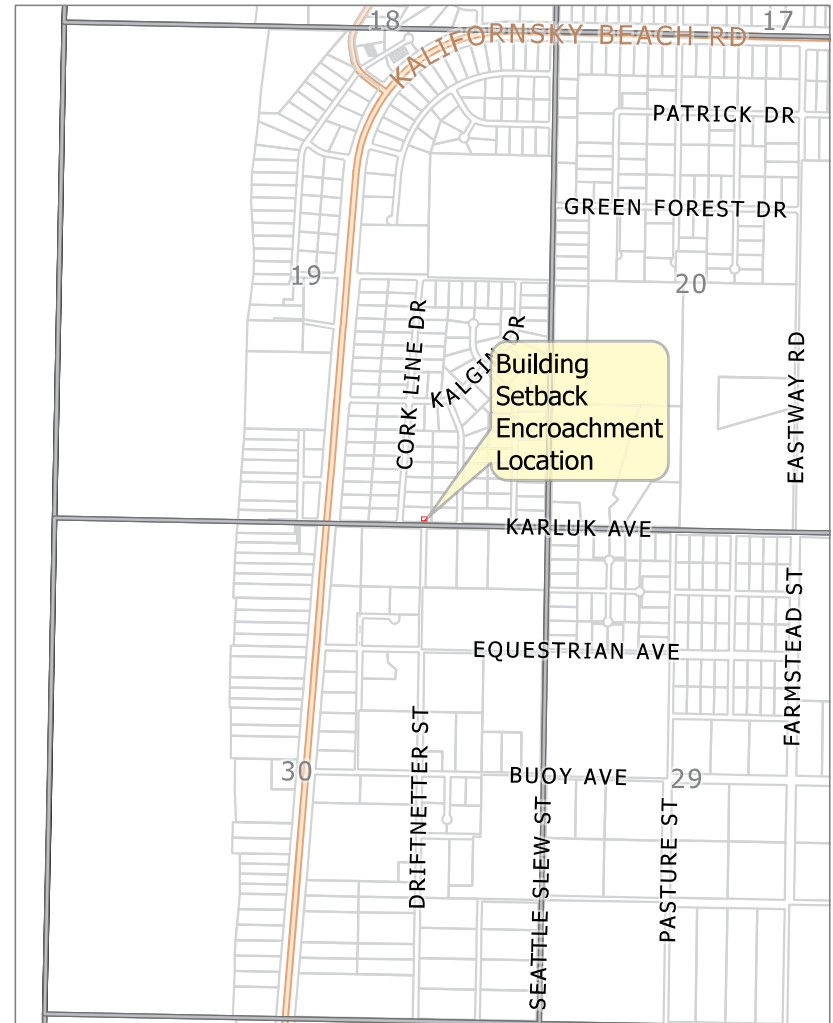
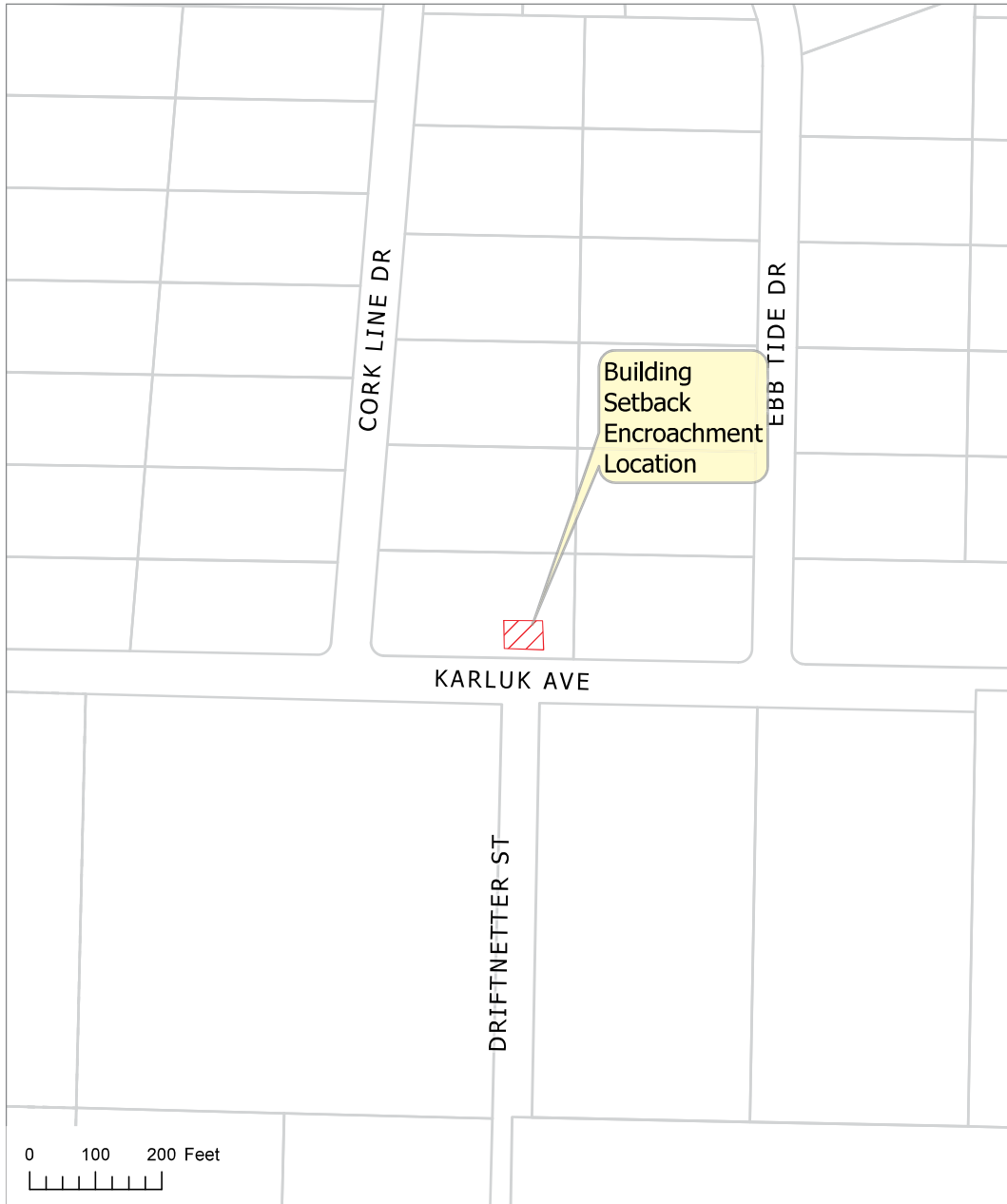
E. NEW BUSINESS

- 1. Building Setback Encroachment Permit; KPB File 2026-057
PC Resolution 2026-33**

Fineline Surveys / Swan

Request: Permits a 36' X 48' shop's southwest corner to remain 6.6 feet into the 20' building setback and the southeast corner to remain 6.1' into the 20' building setback, fronting Karluk Avenue

Location: Lot 10 Block 6 Mariners Watch Subdivision Part 1, Plat KN 78-44



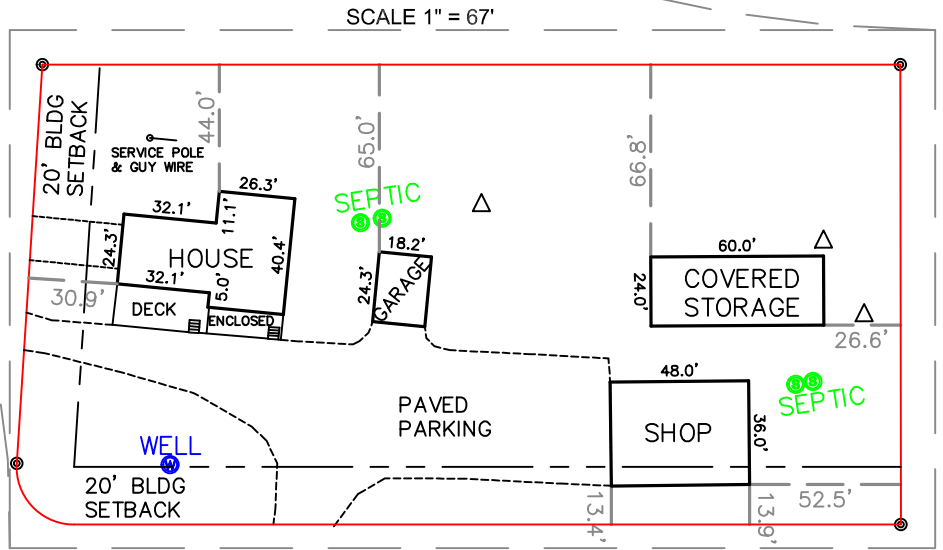
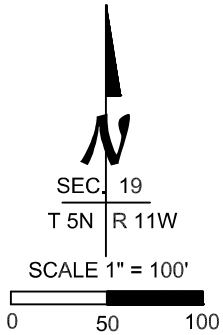
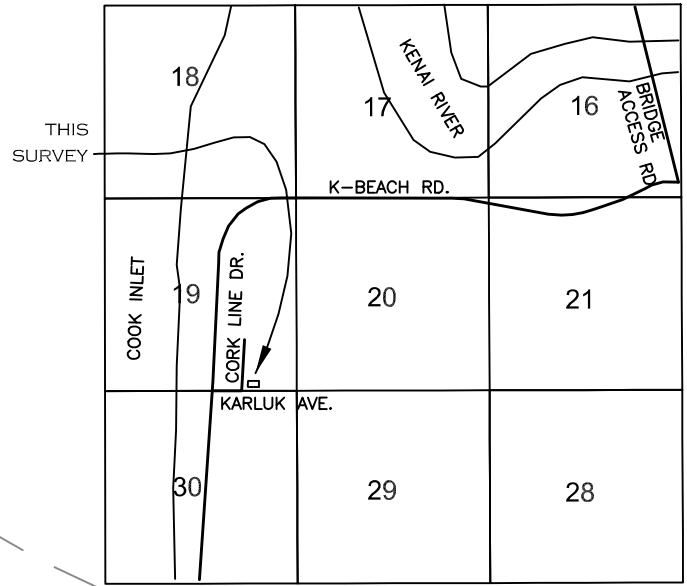
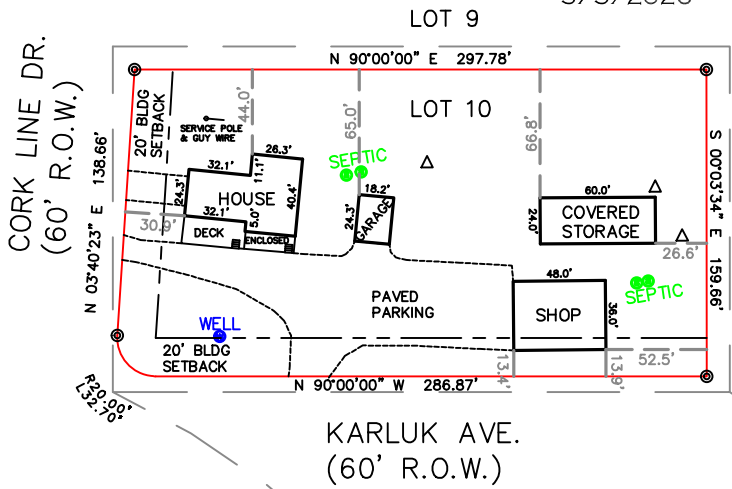
KPB File 2026-057
T05N R11W SEC19
Kalifornsky

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.



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.

5/5/2026



LEGEND:

- FOUND REBAR
- △ MONITOR TUBE

NOTES:

1. MEASUREMENTS SHOWN DEPICTING IMPROVEMENTS INCLUDE SIDING AND TRIM (IF APPLICABLE), AND DO NOT INCLUDE EAVES.
2. THE SHOP LIES PARTIALLY WITHIN (6.6' MAX.) THE 20' BUILDING SETBACK ALONG KARLUK AVE.

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.

I hereby certify that I have performed an asbuilt survey of the following property:

LOT 10, BLOCK 6, MARINERS WATCH SUBD PART 1, SECTION 19, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN.

Kenai Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on any property lying adjacent thereto, and that no improvements on property lying adjacent thereto encroach on the premises in question, other than those shown.



I hereby certify that the information provided is true and correct to the best of my knowledge, and that accepted standards of accuracy have been maintained.

FINELINE SURVEYS

P.O. Box 774
 Anchor Point, Alaska 99556
 Dmitri D. Kimbrell, RLS (907) 360 6382

AGENDA ITEM E. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT
LOT 10, BLOCK 6, MARINERS WATCH SUBDIVISION PART 1, PLAT KN 87-44, LOCATED WITHIN
SECTION 19, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN**

KPB File No.	2026-057
Planning Commission Meeting:	June 22, 2026
Applicant / Owner:	Applicant: Bette Margaret Swan AKA Bette Margaret Swan AKA Betty “Boots” Swan, Personal Representative Owner: Van B. and Clare M. Swan of Kenai, AK
Surveyor:	Dmitri Kimbrell; Fineline Surveys
General Location:	Karluk Court off Kalifornsky Beach Road, Kalifornsky Area

Parent Parcel No.:	055-380-19
Legal Description:	T 5N R 11W SEC 19 Seward Meridian KN 0780044 MARINERS WATCH SUB PART 1 LOT 10 BLK 6
Assessing Use:	Residential Dwelling
Zoning:	Rural Unrestricted
Resolution	2026-33

STAFF REPORT

Specific Request / Purpose as stated in the petition:

An as-built survey identified that the existing shop structure encroaches approximately 6.6 feet into the required 20-foot setback. Approval is requested to allow the structure to remain in its current location.

Site Investigation:

According to available imagery and the submitted as-built survey, several structures are located on the subject lot. A 36-foot by 48-foot shop encroaches approximately 6.1 feet on the southeastern corner and approximately 6.6 feet on the southwestern corner into the required 20-foot building setback along Karluk Avenue. KPB Assessing records indicate that the shop was constructed around 2002. The as-built survey also shows a well located on the property line adjacent to the 20-foot building setback.

The shop is the structure subject to this building setback encroachment permit. KPB 20.90.010 defines a “permanent structure” for purposes of the building setback relating to anything of a permanent nature that requires footings, foundations, or pilings. Minor improvements such as well casing is allowed

The subject parcel is located at the corner of Karluk Avenue and Cork Line Drive.

Cork Line Drive is a 60-foot right-of-way, and Karluk Avenue is a 66-foot right-of-way, both borough-maintained. Karluk Avenue connects to Kalifornsky Beach Road from the west, and provides access to multiple developed and undeveloped lots. The sight distance along Karluk Avenue does not appear to be impacted by the existing improvement, as the roadway is straight and lined with trees.

Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway. Approximately 25 feet of Karluk Avenue right-of-way appears to be constructed, and the shop sits about 34 feet from the constructed portion of the road. Traffic turning from or onto Cork Line Drive does not appear to be impaired by the shop due to its location of relative to the right-of-way and the presence of trees.

Staff Analysis:

Mariners Watch Subdivision Part One (KN 78-44) originally subdivided the subject area into four blocks (4-7) and a total of 60 lots, which included the subject parcel, Lot 10, Block 6, and dedicated the adjacent rights-of-way. This subdivision required a 20-foot building setback along all dedicated rights-of-way. Additionally, a 5-foot utility easement was granted along Karluk Avenue. **Staff recommends** the utility easement to be shown and labeled on the as-built.

Based on KPB data, the topography in the area is relatively flat, with no significant slopes or areas of inundation.

Applicant Discussion:

The property was acquired through inheritance from our parents following their passing. An as-built survey identified that the existing shop structure encroaches approximately 6.6 feet into the required 20-foot setback. The structure is existing construction affixed to a permanent slab foundation, and the encroachment was discovered during a pending real estate transaction. Approval is requested to allow the structure to remain in its current location. To the best of the owner's knowledge, the structure does not impede roadway sight lines or interfere with roadway maintenance, utilities, drainage, access, or create a known safety hazard.

Applicant Findings:

1. The building setback encroachment does not interfere with road maintenance because the road is straight in this area.
2. There is adequate space between the structure and the roadway.
3. Typical road maintenance such as snow removal in the winter and grading in spring and summer can and is performed safely.
4. There is a pre-existing grove of trees located between the house and the road.
5. The area has continued to be maintained without issue.
6. There is clear visibility along the roadway in both directions.
7. The road is straight without any sight lines or visibility interferences, this extends past both sides of the property.
8. The encroachment does not create a safety hazard because the area has low traffic volume.
9. The structure does not obstruct drivers' views.
10. Vehicles can safely travel through the area without obstruction.
11. The sight lines are clear when entering the road from the driveway.

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 Definitions

- "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:

12. Mariners Watch Subdivision Part One (KN 78-44) created the subject parcel, Lot 10, Block 6, and dedicated the adjacent rights-of-way.
13. The parent plat (KN 78-44) required a 20-foot building setback along all dedicated rights-of-way.

14. Karluk Avenue is a 66-foot, borough-maintained, right-of-way. Approximately 25 feet of Karluk Avenue dedication appears to be constructed.
15. The 36-foot by 48-foot shop encroaches approximately 6.1 feet on the southeastern corner and approximately 6.6 feet on the southwestern corner into the required 20-foot building setback along Karluk Avenue.
16. The shop sits about 34 feet from the constructed portion of the road.
17. Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway.
18. The sight distance along Karluk Avenue is not currently impacted by the encroachments as the road is straight.
19. Traffic turning from or onto Cork Line Drive does not appear to be impaired by the shop due to its location relative to the right-of-way and the presence of trees.
20. Based on KPB GIS contours data, the terrain of the subject lot is relatively flat.
21. No wetlands affect the subject area according to KPB GIS data.
22. 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.
23. "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.

Findings 1-5 & 16-20 appear to support this standard.

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

Findings 2, 6-11 & 16-19 appear to support this standard.

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

Findings 2, 4, 8-10 & 15-18 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: Uhlin, Dil Comments: No comments
SOA DOT&PF comments	No comments

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Non-regulatory flood zone. No comments regarding the structure within the setback.</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	No Response
Addressing	<p>Reviewer: Pace, Rhealyn Affected Addresses: 51236 Karluk Ave</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: Cork Line Dr, Karluk Ave</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	Vacant
LOZMS 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>

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to grant approval for the portion of structures within the twenty-foot building setback as shown on the 2026 as-built survey, subject to:

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 2026-33, prepared, signed, and sealed by a licensed land surveyor.
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.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

- Depict and label the 5-foot utility easement adjacent to Karluk Avenue per KN 78-44
- Modify the lot label adjacent to the north to Lot 11.
- Add a label for Lot 9 to the east.
- Modify Karluk Avenue width to 66 feet.
- Check the scale of the drawing. Putting scale to graphic scale obtains a short measurement.
- In the legal description, spell out 'Subdivision' and 'One'.
- Change the scale of the detail to one from KPB 20.60.070, preferably 1" =60'.

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 2026-33
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT
TO A PORTION OF THE TWENTY-FOOT BUILDING SETBACK FOR LOT 10,
BLOCK 6, MARINERS WATCH SUBDIVISION PART 1 (KN 78-44); LOCATED
WITHIN S19, T05N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI
PENINSULA BOROUGH; KPB FILE NO. 2026-057**

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, Bette M Swan, Personal Representative of the Estate of Clare Margaret Swan and the Estate of Van Buren Swan, of Kenai, Alaska (petitioner) requested a building setback encroachment permit to the twenty-foot building setback granted by Mariners Watch Subdivision Part 1 (plat KN 78-44); and

WHEREAS, on Monday, June 22, 2026, the 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 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 twenty-foot building setback limit on Lot 10, Block 6, Mariners Watch Subdivision Part 1 (Plat KN 78-44) is hereby granted to accommodate only the encroaching portion of the approximate 36-foot by 48-foot shop based upon the following findings of fact:

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

1. The building setback encroachment does not interfere with road maintenance because the road is straight in this area.
2. There is adequate space between the structure and the roadway.
3. Typical road maintenance such as snow removal in the winter and grading in spring and summer can and is performed safely.
4. There is a pre-existing grove of trees located between the house and the road.
5. The area has continued to be maintained without issue.
16. The shop sits about 34 feet from the constructed portion of the road.
17. Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway.
18. The sight distance along Karluk Avenue is not currently impacted by the encroachments as the road is straight.
19. Traffic turning from or onto Cork Line Drive does not appear to be impaired by the shop due to its location relative to the right-of-way and the presence of trees.
20. Based on KPB GIS contours data, the terrain of the subject lot is relatively flat.

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

2. There is adequate space between the structure and the roadway.
6. There is clear visibility along the roadway in both directions.
7. The road is straight without any sight lines or visibility interferences, this extends past both sides of the property.
8. The encroachment does not create a safety hazard because the area has low traffic volume.
9. The structure does not obstruct drivers' views.
10. Vehicles can safely travel through the area without obstruction.
11. The sight lines are clear when entering the road from the driveway.
16. The shop sits about 34 feet from the constructed portion of the road.
17. Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway.
18. The sight distance along Karluk Avenue is not currently impacted by the encroachments as the road is straight.
19. Traffic turning from or onto Cork Line Drive does not appear to be impaired by the shop due to its location relative to the right-of-way and the presence of trees.

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

2. There is adequate space between the structure and the roadway.
4. There is a pre-existing grove of trees located between the house and the road.
8. The encroachment does not create a safety hazard because the area has low traffic volume.
9. The structure does not obstruct drivers' views.
10. Vehicles can safely travel through the area without obstruction.
15. The 36-foot by 48-foot shop encroaches approximately 6.1 feet on the southeastern corner and approximately 6.6 feet on the southwestern corner into the required 20-foot building setback along Karluk Avenue.
16. The shop sits about 34 feet from the constructed portion of the road.
17. Imagery indicates that the area between the shop and Karluk Avenue remains undeveloped, with trees obscuring the view of the shop from the roadway.
18. The sight distance along Karluk Avenue is not currently impacted by the encroachments as the road is straight

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 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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Galaxy S23 Ultra



Galaxy S23 Ultra



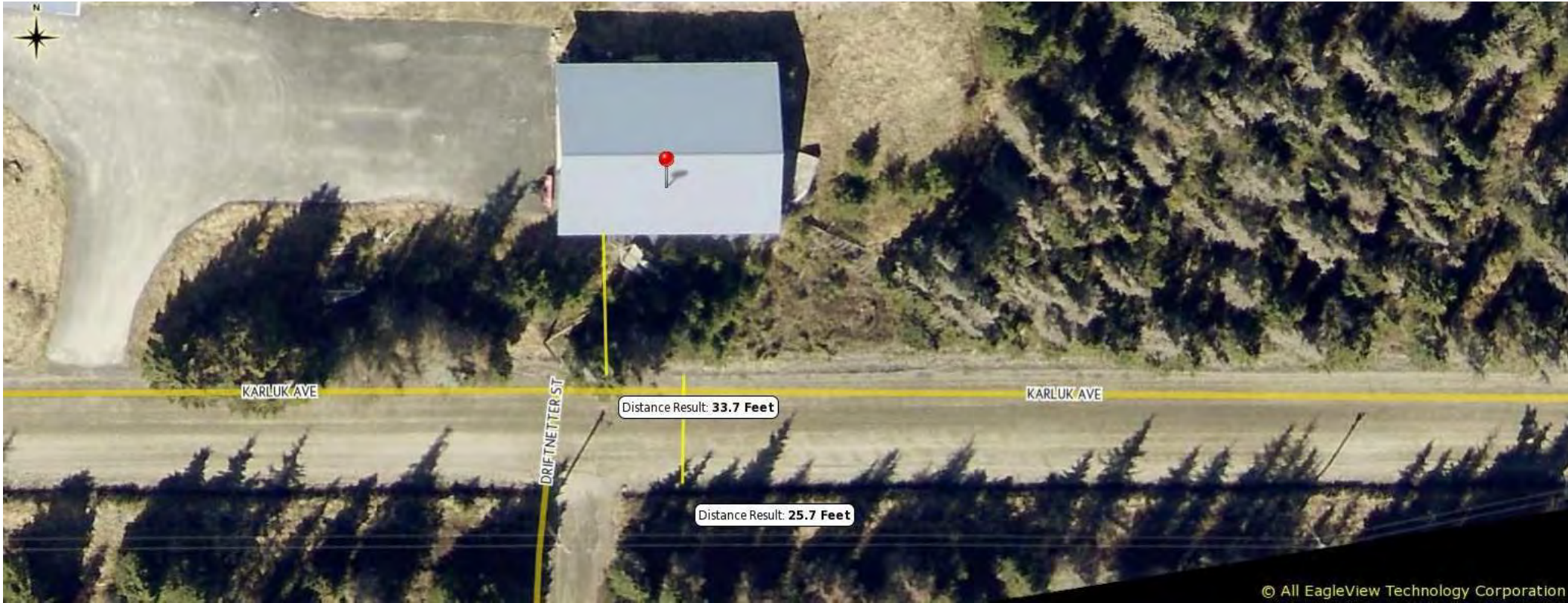


Karluk Ave

Kenai, Alaska



KPB Pictometry 2024

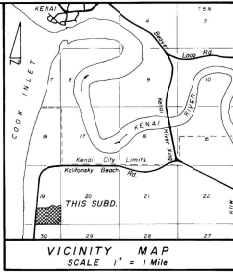
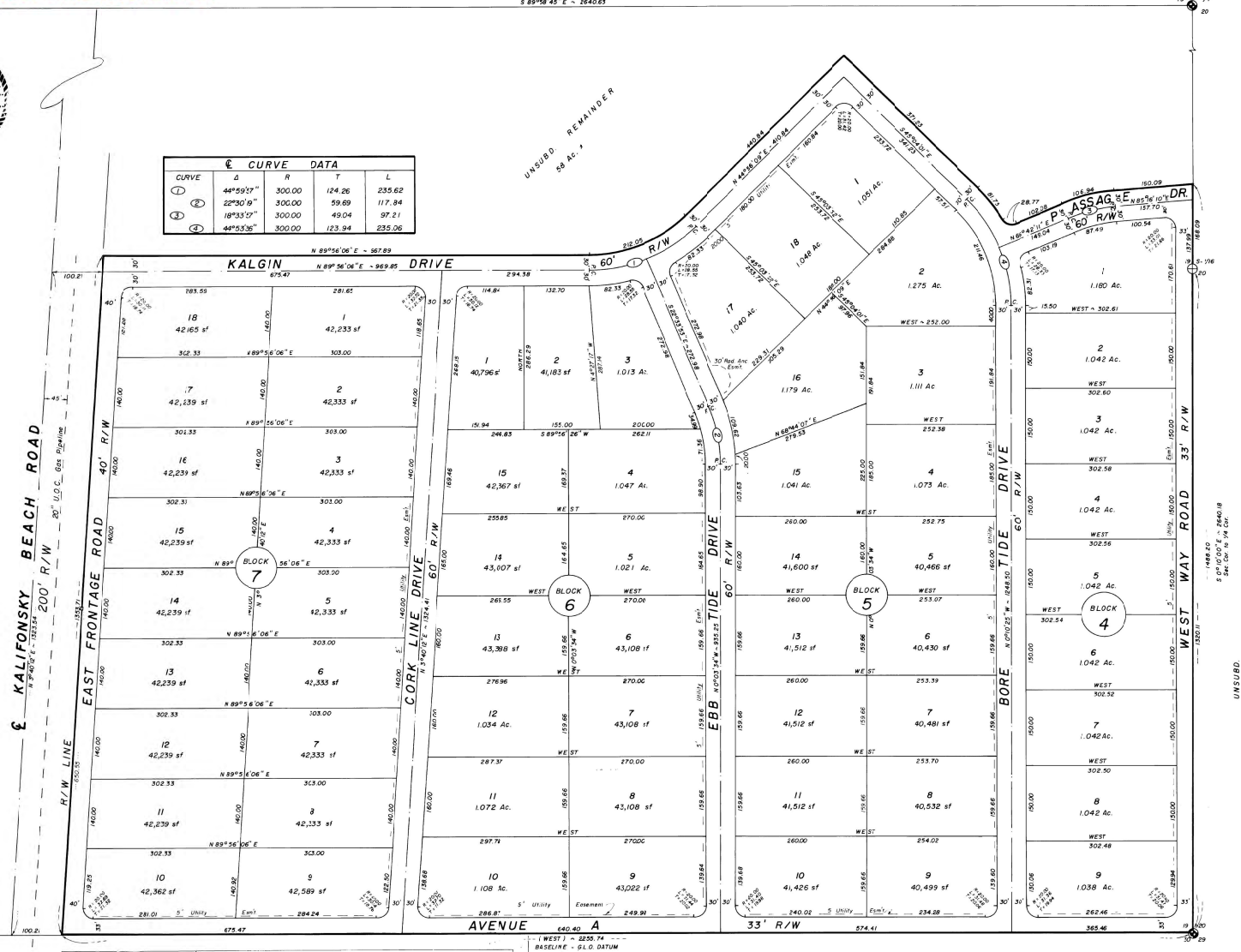


05/15/2024

KPB NOTE: See PC Resolution 2001-24



CURVE DATA				
CURVE	Δ	R	T	L
①	44°59'07"	300.00	124.26	235.62
②	22°30'19"	300.00	59.69	117.94
③	19°33'09"	300.00	49.04	97.21
④	44°53'36"	300.00	123.94	235.06



LEGEND AND NOTES

- Found G.L.O. brass cap monument.
- Found official survey brass cap man (610-5).
Sh 3" 41 cap monument.
- Found 5" x 6" conc. R/W marker.
- ⊥ Sh 1/2" x 24" steel rebar at all lot corners.
- () Indicates datum of record.

Basis of bearing for this survey is the C.L.O. datum of record of WEST for the south boundary of Section 19.

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

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

78-44
RECORDED FILED 7-50
4-5 2007
[Signature]

NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn before me this 5th day of April, 1978.
My commission expires July 14, 1979.

[Signature]
Notary Public for Alaska

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.

[Signature]
Baill S. Bolstridge
Baill S. Bolstridge
Route 2 Box 264, Sterling, AK 99612
Elizabeth W. Bolstridge

WEST - 2255.74
BASELINE - G.L.O. DATUM
260.89 - 74 Cor. N.S.C.

PLAT APPROVAL
This plat having been approved by the local Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of [Date], [Date], [Date], is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appearing thereto.

KENAI PENINSULA BOROUGH
By: [Signature]

MARINERS WATCH
SUBDIVISION
PART ONE

Basl S. Bolstridge, owner
Route 2 Box 264, Sterling, AK 99612

DESCRIPTION
73.03 ACRES SITUATED IN THE SE1/4 SECTION 19, T5N, R11W, S3M AS EAST OF THE KALIFONSKY BEACH ROAD AND IN THE KENAI PENINSULA BORO.

Surveyed by McLAINE AND ASSOC
Soldiers, Alaska

DATE OF SURVEY: Nov. 1, 1977 - Feb. 17, 1978
SCALE: 1" = 100'
BP NO: 77-37