

## **E. NEW BUSINESS**

### **2. Building Setback Encroachment Permit; KPB File 2025-008**

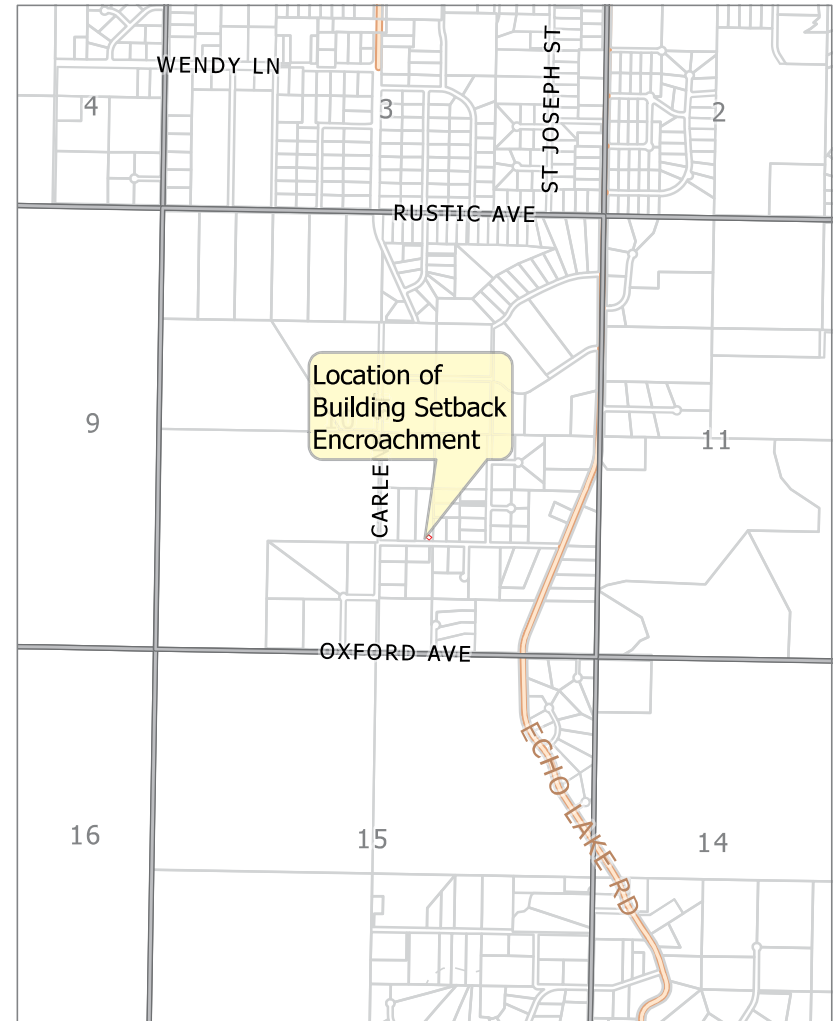
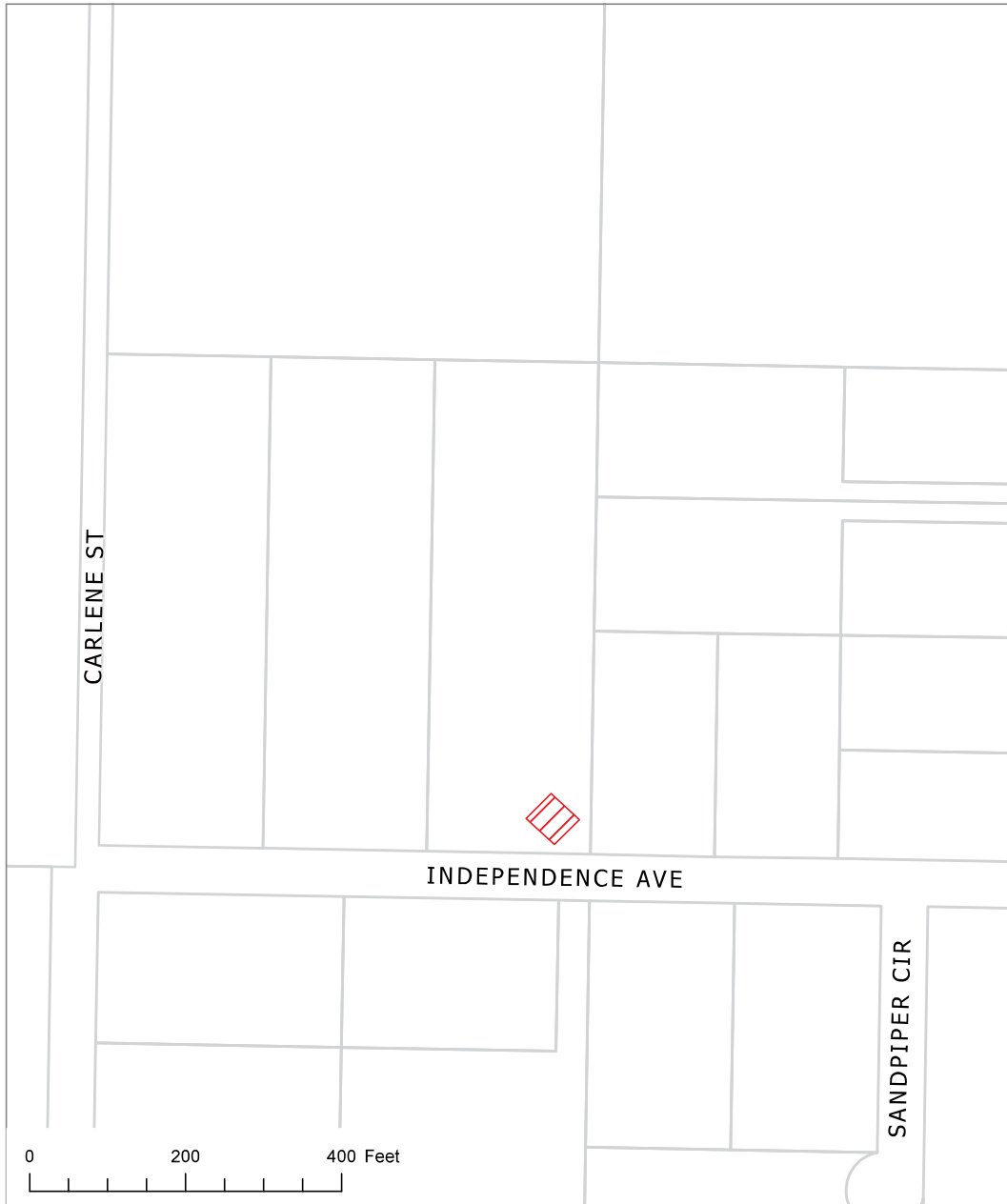
**Planning Commission Resolution 2025-03**

**Edge Survey & Design / Presley**

**Request: Permits a portion of a 32.2' x 43.3' garage to remain approximately 2' within the 20' building setback on Lot 4-C, Block 1, Echo Hills Subdivision No.2, Plat KN 81-142**

**Kalifornsky Area**

**Staff Person: Platting Manager Vince Piagentini**



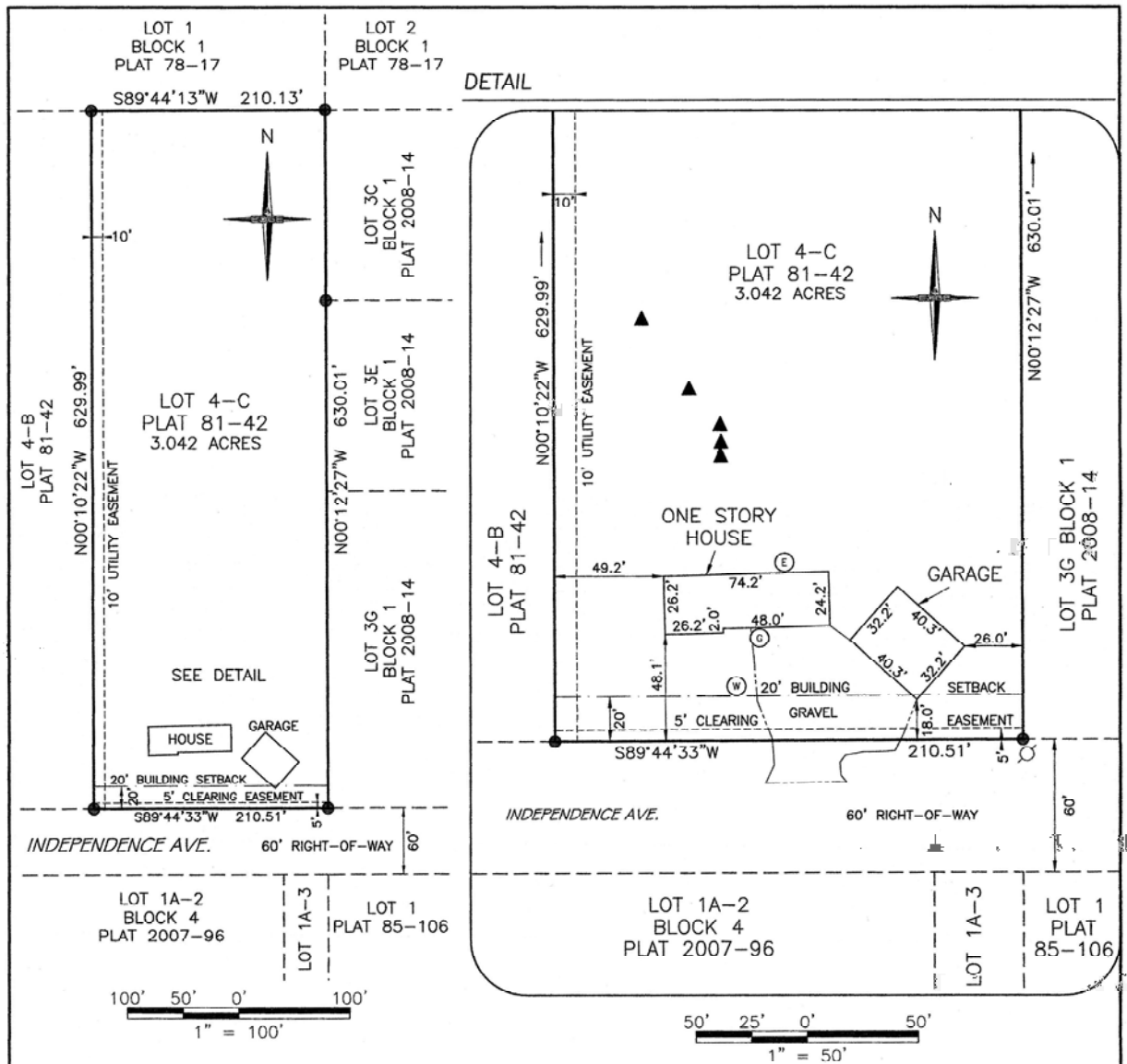
KPB File 2025-008  
T 04N R 11W SEC 10  
Kalifornsky





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.





#### NOTES

THIS AS-BUILT SURVEY WAS PREPARED FOR MORTGAGE PURPOSES. RE-USE OF THIS DRAWING BY THE ORIGINAL CLIENT OR BY OTHERS, FOR ADDITIONAL USES AT A LATER DATE WITHOUT THE EXPRESS CONSENT OF EDGE SURVEY & DESIGN, LLC IS A VIOLATION OF FEDERAL COPYRIGHT LAW. UNLESS GROSS NEGLIGENCE IS DISCOVERED, THE LIABILITY EXTENT OF THE PREPARER SHALL BE LIMITED TO THE AMOUNT OF FEES COLLECTED FOR SERVICES IN PREPARATION OF THIS PRODUCT.

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. THIS AS-BUILT SURVEY, UNDER NO CIRCUMSTANCE, SHALL BE USED FOR CONSTRUCTION OR BOUNDARY LOCATIONS.

RECORD DATA SHOWN HEREON IS PER PLAT 81-142 KENAI RECORDING DISTRICT.

#### LEGEND

- PROPERTY CORNER FOUND
- (W) WELL
- ▲ SEPTIC VENT
- (G) GAS METER
- (E) ELECTRIC METER
- UTILITY POLE
- PARCEL BOUNDARY
- - - ADJACENT PROPERTY LINE
- - - EASEMENT
- - - BUILDING SETBACK
- - - EDGE GRAVEL

#### SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HEREON AND THE IMPROVEMENTS EXIST AS SHOWN. FIELD SURVEY 12/20/24.

*RS*  
RYAN SORENSEN  
PLS 13006-S

12/20/2024



8000 KING STREET ANCHORAGE, AK 99518  
Phone (907) 344-5890 Fax (907) 344-7794

#### AS-BUILT SURVEY

LOT 4-C  
ECHO HILLS SUBDIVISION NO. 2  
PLAT 81-142 KENAI RECORDING DISTRICT

DRAWN BY: JY	DATE: 12/20/2024	PROJECT: 24-637
CHECKED BY: RS	SCALE: AS SHOWN	SHEET: 1 OF 1

**KPB 2025-008**

AGENDA ITEM E.      NEW BUSINESS

**ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 4-C BLOCK 1, ECHO HILLS SUBDIVISION NO 2 KN81-142**

<b>KPB File No.</b>	2025-008
<b>Planning Commission Meeting:</b>	February 10, 2025
<b>Applicant / Owner:</b>	Cameron & Genevieve Presly of Soldotna
<b>Surveyor:</b>	Ryan Sorenson Edge Survey and Design, LLC
<b>General Location:</b>	Independence Ave in Echo Lake area

<b>Parent Parcel No.:</b>	131-670-04
<b>Legal Description:</b>	T 4N R 11W SEC 10 SEWARD MERIDIAN KN 0810142 ECHO HILLS SUB NO 2 LOT 4-C BLK 1
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2025-3

**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:**

Grant a building setback encroachment permit to a portion of the 20' building setback for Lot 4-C Block 1, Echo Hills Subdivision No. 2 KN81-142.

**Site Investigation:**

There are two structures shown on the as-built drawing submitted by the applicant. The house structure is compliant with the building setback line and is not at issue. The garage structure is shown to be encroaching into the 20' building setback by 2.0 feet, leaving 18.0 feet of the setback available. No indication of new construction or addition to the existing structures was noted in the application. Any new construction or additions will need to be done to conform with the 20' building setback line restrictions.

Independence Ave is a 60' dedication on the south, having the road constructed. According to KPB imagery, the garage structure does not appear to be a hazard to visibility or road maintenance.

Independence Ave is maintained by the Kenai Peninsula Borough Road Department.

**Staff Analysis:**

The land was originally part of the SE1/4 of Sec 10, Township 4 North, Range 11 West S.M Alaska. Echo Hills Subdivision KN 77-143 divided the SE1/4 in four blocks containing seventeen lots total and three full right-of-way dedications and three half right-of-way dedications. KN78-17 Amended the plat for a found typo becoming the official plat filing. On Echo Hills Subdivision KN78-17 is noted a 20' bldg. setback along all dedicated R/W's (right-of-ways). Echo Hills Subdivision No. 2 KN 81-142 subdivided Lot 4 Block 1 into three new lots. KN81-142 carried forward the 20' building setback line along all street right-of-ways as a note on the plat.

The terrain on the parcel is flat, with the land dropping off towards the north of the parcel. The land slopes at an angle of approximately 3 percent down as it goes north away from the road. With the road being on the high side, this helps to keep the garage out of the line of sight for traffic on Independence Ave.

Looking at the KPB GIS map, this does not appear to be a high traffic area, as from this property on to the west is a dead end with only eleven residential homes shown beyond at this time.

**Applicant Discussion:**

**Applicant Findings:**

1. The garage building setback encroachment does not interfere with road maintenance efforts. The garage corner closest to the right-of-way is 38 feet from the maintained surface of Independence Ave and 28 feet from any snow berm storage or any required maintenance efforts of Independence Ave.
2. Independence Ave is a straight road and the garage is well out of the necessary line of sight while traveling independence Ave.
3. There is existing vegetation and trees closer than the garage that do not create an issue with line of sight.
4. The garage corner is just 2 feet into the building setback and does not create any safety hazard while traveling Independence Ave.
5. Independence Ave has low traffic pattern with only 9 homes located beyond this parcel.
6. Recent owners recently purchased property and are not responsible for the placement of the garage.

**Staff Findings:**

7. The 20' building setback was created by Echo Hills Subdivision KN77-143 Amended at KN78-17.
8. According to assessing information the detached garage was built in 1990.

**20.10.110. – Building setback encroachment permits.**

- E. The following standards shall be considered for all building setback encroachment permit applications. Staff recommends the 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 & 3 appear to support this standard.**

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

**Findings 2 – 4 appear to support this standard.**

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

**Findings 4 & 5 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: Griebel, Scott Comments: Setback is not directly managed by the RSA. The roadway is currently maintained by the department. The encroachment does not interfere with service operations nor sightline safety. No further comment or objections by the RSA.
KPB River Center review	A. Floodplain  Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments

	<p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 48390 INDEPENDENCE AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: INDEPENDENCE 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 other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: if this exception is not granted, then the building would need to be moved or altered to meet code.</p>
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 adopt Resolution 2025-3, subject to compliance with KPB 20.10.110 sections F and G.

#### **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.**

#### **STAFF RECOMMENDATIONS**

##### **CORRECTIONS / EDITS**

Add Block 2 to the lot labels for adjacent lot to the west and the current lot.  
Revise plat label to KN 81-142 for adjacent lot to the west and the current lot.  
Add Block 4 to the parcel to the south  
Modify all the labels of 'Plat' in the lot labels to 'KN'

**END OF STAFF REPORT**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2025-3  
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 4-C, BLOCK 1, ECHO HILLS SUBDIVISION NO. 2 (KN 0810142); IN NE 1/4 S10, T04N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-008

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, Camron C. and Genevieve E. Presley of Soldotna, AK requested a building setback encroachment permit to the 20-foot building setback granted by Echo Hills Subdivision No. 2 (KN 0810142); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, February 10, 2025, 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 0810142 Lot 4-C, Block 1 is hereby excepted to accommodate only the encroaching portion of the Garage.

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 \_\_\_\_\_, 2025.

\_\_\_\_\_  
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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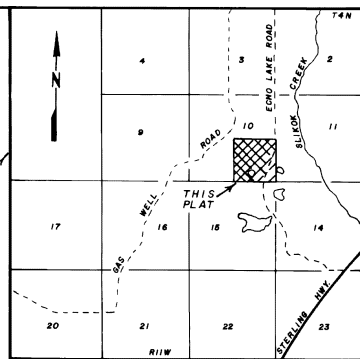
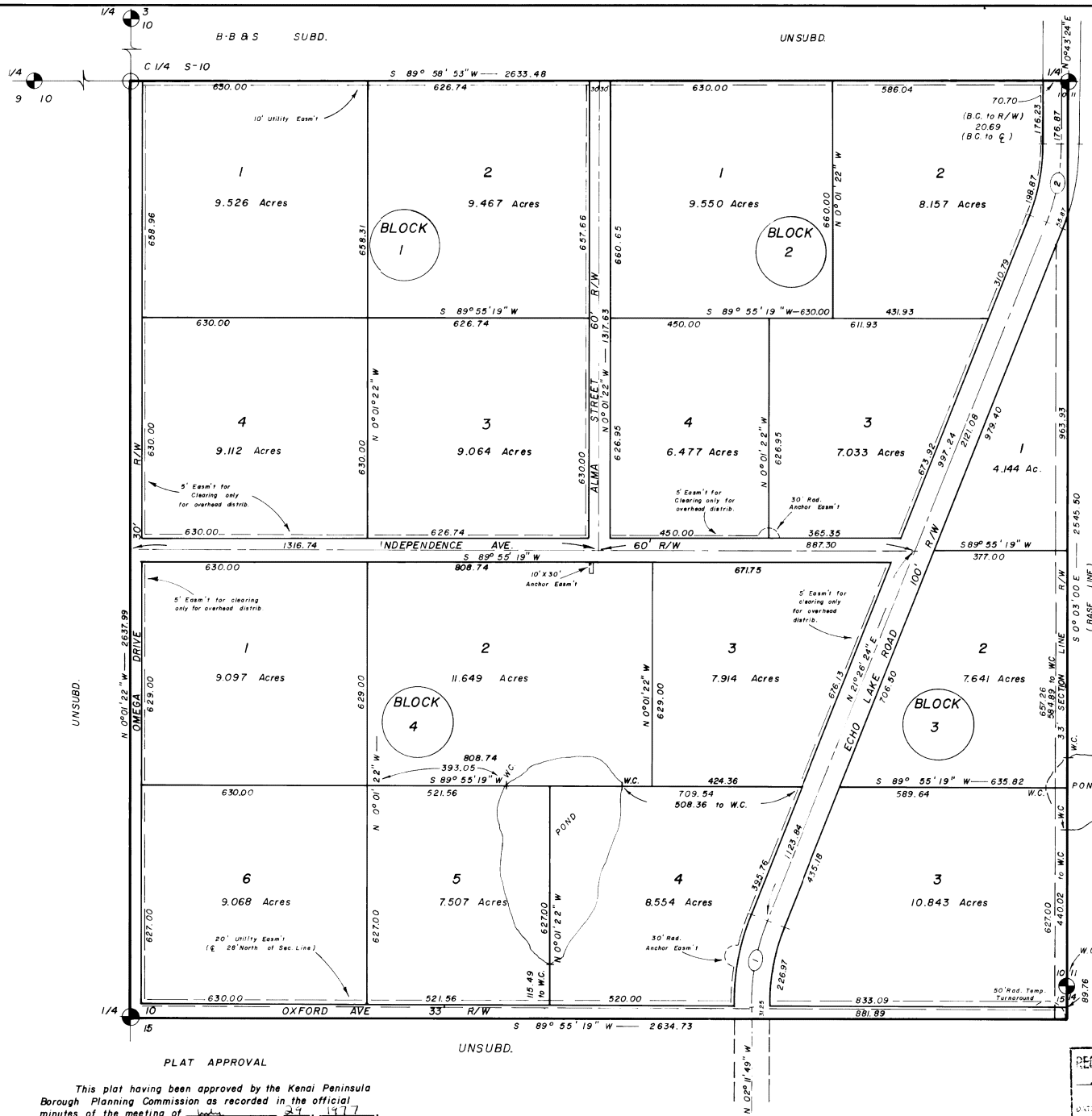




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VICINITY MAP  
SCALE 1" = 1 MILE

CURVE DATA				
CURVE	Δ	R	T	ARC
①	23°38'13"	600.00	125.55	247.53
②	20°43'	600.00	109.67	216.94

LEGEND AND NOTES

- Found G.L.O. B.C. monument
- Set official survey al. monument (3932-S 1977)
- Set 1/2" X 24" Steel rebar at all lot corners and w.c.s.

All bearings refer to the east boundary of Sec. 10 as N 00° 03' 00" W G.L.O. datum.

All datum of record shown ( ).

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

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

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.

*Leonard Ballard*  
Leonard Ballard — owner — Box 1929, Soldotna, Ak. 99669  
*Fern E. Ballard*  
Fern E. Ballard — owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 16 day of August 1977.  
My commission expires 1-24-78  
*Francis R. [Signature]*  
notary public for Alaska

78-17-300  
1-24  
11-02  
RPB

77-143  
RECORDED - FILED  
9-21-77  
1-27-77  
Leonard Ballard

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of 24, 1977, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH

By: *[Signature]*

11-10-77 Block 1 lot 5 converted to lot 3 PE 143

AMENDED PLAT

ECHO HILLS SUBDIVISION

Leonard Ballard — owner  
Box 4-035, Anchorage, Alaska 99509

DESCRIPTION

SE 1/4 SEC. 10 T4N, R11W S.M. AK. CONTAINING 159.439 ACRES IN THE KENAI PENINSULA BOROUGH.

Surveyed by: McLane and Associates  
Soldotna, Ak. 99669

DATE OF SURVEY	SCALE	BK. NO.
May 20—June 30, 1977	1" = 200'	77-14