

E. NEW BUSINESS

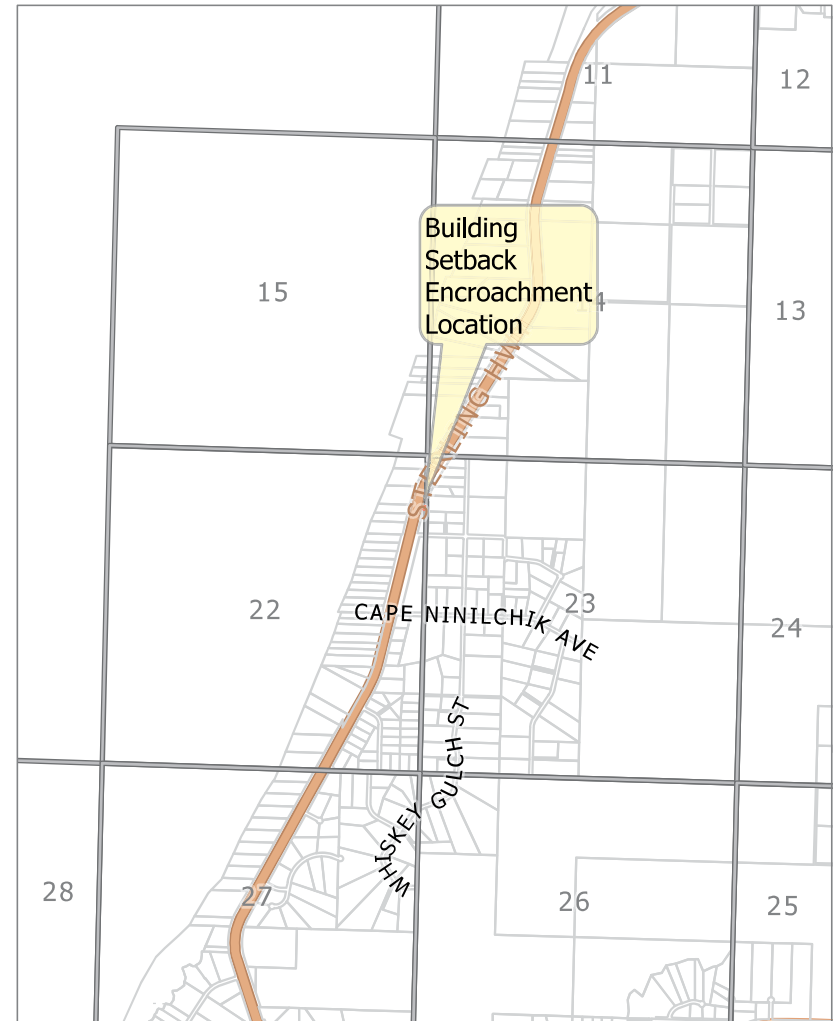
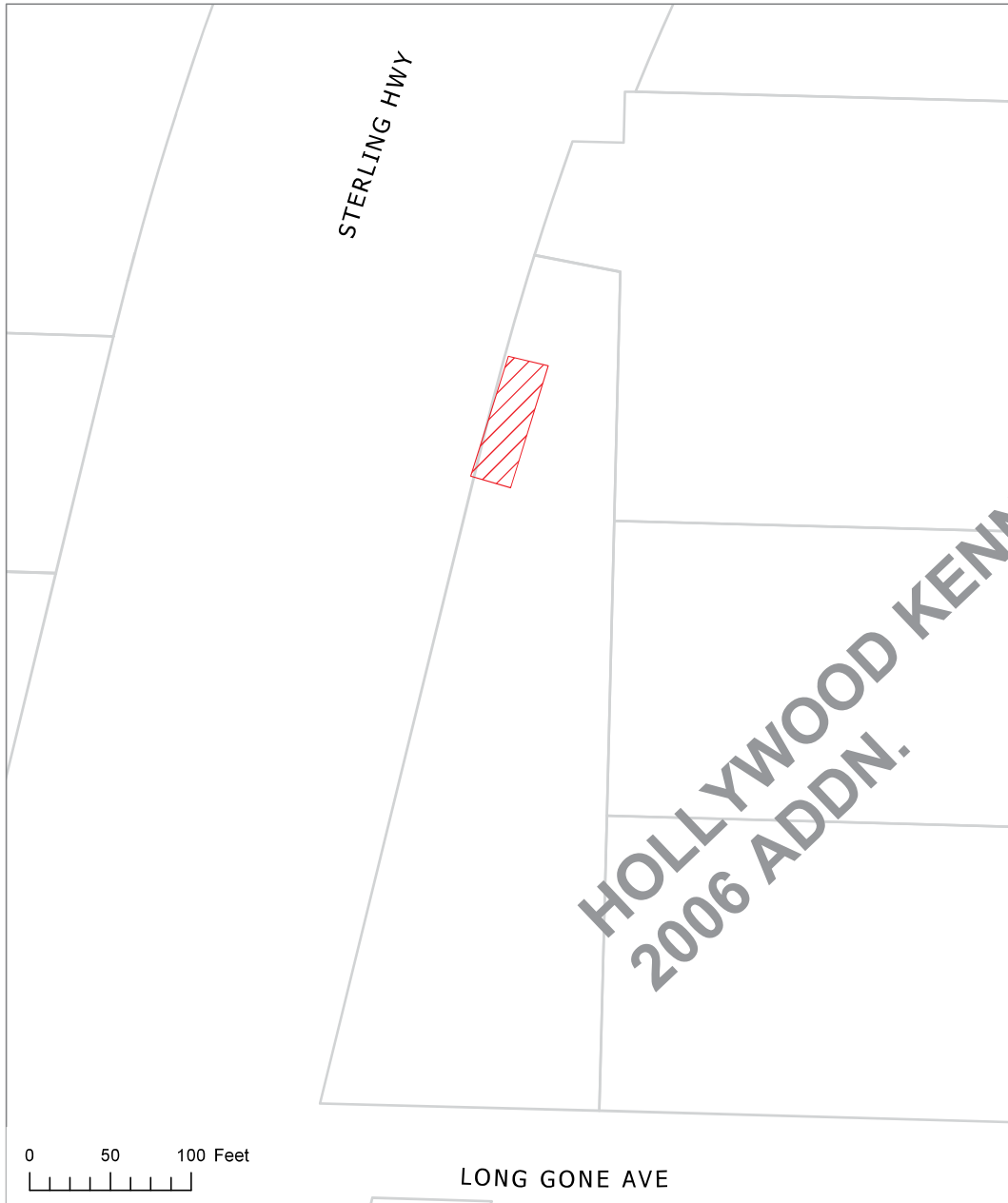
2. Building Setback Encroachment Permit; KPB File 2025-149

PC Resolution 2025-26

Fineline Surveys / Laida LLC

Request: Permits a portion of the house & covered porch to remain in the 20' building setback on Lot 1 Hollywood Kennedy Gibbons 2006 Addition, Plat HM 2007-108

Anchor Point Area



KPB File 2025-149
T 04S R 15W SEC 22 & 23
Anchor Point

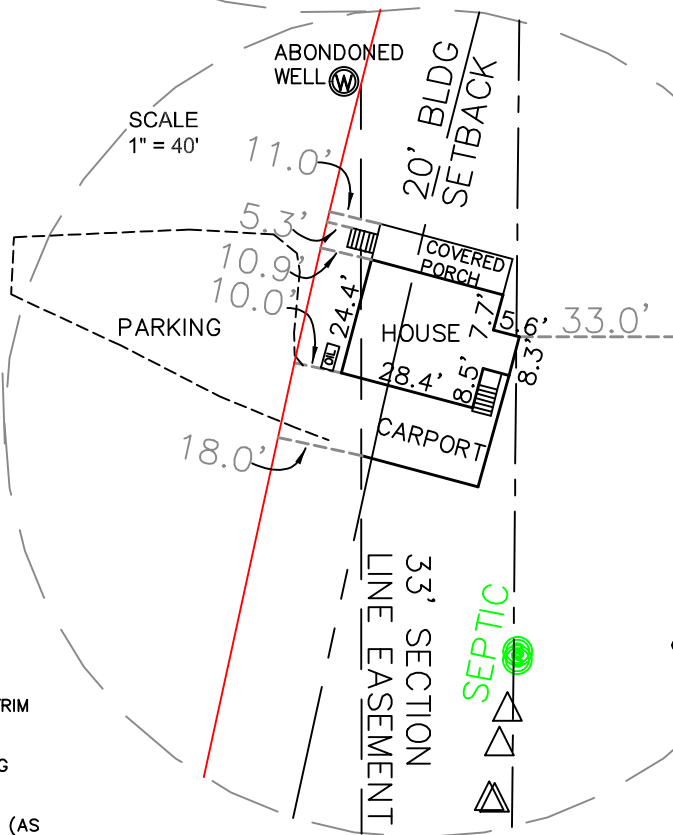
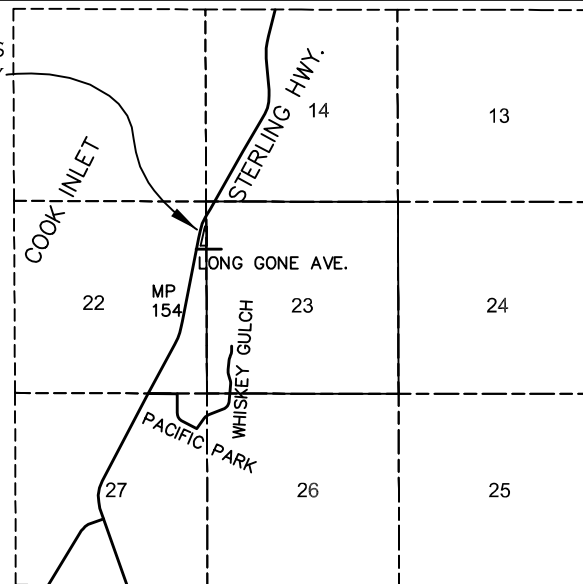
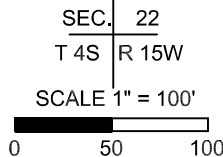
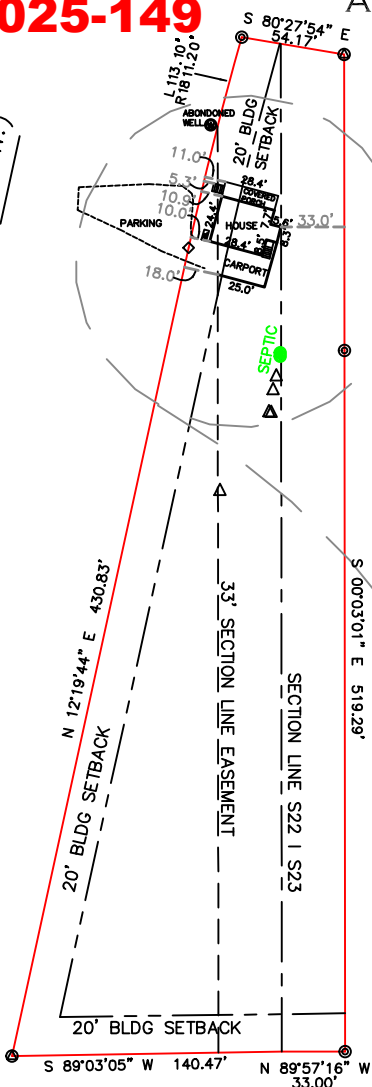


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

9/26/2025

THIS
SURVEY

C-L STERLING HWY (200' R.O.W.)



LEGEND:

- FOUND REBAR WITH ALUMINUM CAP
- FOUND REBAR
- △ MONITOR TUBE

NOTES:

1. MEASUREMENTS SHOWN DEPICTING IMPROVEMENTS INCLUDE SIDING AND TRIM (IF APPLICABLE), AND DO NOT INCLUDE EAVES.
 2. THE ABOANDONED WELL HEAD LIES WITHIN THE R.O.W. FOR THE STERLING HWY.
 3. THE HOUSE AND DECK LIE PARTIALLY WITHIN THE 20 BUILDING SETBACK (AS SHOWN) ALONG THE STERLING HWY.
- 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 the information provided is true and correct to the best of my knowledge, and that accepted standards of accuracy have been maintained.

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

LOT 1, HOLLYWOOD KENNEDY GIBBONS SUBD. 2006 ADDN., SECTION 22, TOWNSHIP 4 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN.

Homer 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.

FINELINE SURVEYS

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

AGENDA ITEM E. **NEW BUSINESS**

ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT
PERMITS A PORTION OF A 24.4' X 28.4' HOUSE, PART OF A COVERED PORCH AND THE ATTACHED STAIRS AND AN OPEN CARPORT TO REMAIN INTO THE 20' BUILDING SETBACK LOCATED IN LOT 1 HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION KN2007-108

KPB File No.	2025-149
Planning Commission Meeting:	October 27, 2025
Applicant / Owner:	Laida LLC of Anchor Point, AK
Surveyor:	Dmitri Kimbrell / Fineline Surveys, Inc.
General Location:	Sterling Highway / Anchor Point Area

Parent Parcel No.:	165-630-27
Legal Description:	T 4S R 15W SEC 22 & 23 SEWARD MERIDIAN HM 2007108 HOLLYWOOD KENNEDY GIBBONS 2006 ADDN LOT 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Resolution	2025-26

STAFF REPORT

Specific Request / Purpose as stated in the petition:

As I previously explained, the house was built when it was not a platted parcel so there was not a setback requirement. A previous error on the original boundary survey was discovered when our property was surveyed by the fiber optic company and again when the property was platted. We were quite disappointed at that time but it was a rental and we planned to own it for a long time. Things have changed and for health reasons we are putting the house on the market next week so this is important to us to get cleared up and a waiver as soon as possible.

Site Investigation:

The as-built depicts an existing 24.4 x 28.4 foot house being 10.0' at the south end and 9.1' at the north end into the 20' building setback. There is also an enclosed porch attached to the house shown to be 9.0' into the setback at the north end. The steps coming from the porch are shown to be 5.7' further into the setback. On the south end of the house is an open end carport facing west that is shown to be 2.0' in to the setback.

No future improvements are indicated. The encroachment was found previously when the correct boundary was established years ago but nothing was done to address it.

The Sterling Highway to the west is a constructed 200 foot dedication, maintained by the State of Alaska. The driving surface of the Sterling Highway is approximately 94 feet from the south corner of the house.

With the structures sitting back a substantial distance from the driving surface, it does not appear the structures will interfere with road maintenance or sight distance. The encroachment position does not create any apparent danger to the public safety in its current location from the road surface with relation to the building setback. Traffic for the Sterling Highway should remain at a safe distance from the structures.

Staff Analysis:

Originally the land was described as a portion of Government Lot 1, lying East of the Sterling Highway in Section 22 Township 4 South, Range 15 West, Seward Meridian, Homer Recording District, Alaska. In 1981, the land was surveyed by A Deed of Record Boundary Survey (HM 81-56 BS). Hollywood Kennedy Gibbons 2006 Addition (HM 2007-108) subdivided the adjacent property in 2007 and included the Government Lot as referenced in the boundary

survey and resulting in the subject lot, Lot 1. A 20-foot building setback was established from the edge of street rights-of-way as referenced on the parent plat as plat note number 2.

In 2008, Lots 1 and 1-A, Hollywood Kennedy Gibbons 2006 Addition (HM 2007-108) were resurveyed as documented by a Record of Survey (HM 2008-19). Note number 1 on the record of survey stated errors were found on the 1981 Boundary Survey (HM 81-56 BS) regarding the correction location of the Sterling Highway resulting in errors on the parent plat. The Record of Survey (HM 2008-19) corrected the area of the 2 affected lots. The submitted as-built references lot dimensions from the Record of Survey.

The plat Hollywood Kennedy Gibbons 2006 Addition HM 2007-108 vacated the right-of-way of Catch UP Street abutting the parcel to the east and retained the 66-foot section line easement on the east side of the lot.

Applicant Discussion and Findings:

Per page 2 section E:

The Right of Way along the Sterling Hwy is 200' and with 100' on our side.

(1) The footage in front of the house is cleared so there is no interference with road maintenance.

(2) Because the Right of Way is cleared there is no interference with sightlines or distances.

(3) There is no safety issue exiting the property as you can see clearly in both directions far enough that it is safe
In addition:

There is existing overhead power lines are on the eastern and southern boundaries of our parcel so all properties on the east side of the highway are served. On the west side of the highway there is overhead power serving all those properties. The natural gas lines and fiberoptic cables were installed many years ago now.

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 & 4 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 3 & 4 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.

Staff Findings for the Commission's review:

4. The structures are approximately 94' from the driving surface of Sterling Highway.

5. The house and structures were built before the property was platted.

6. Hollywood Kennedy Gibbons 2006 Addition HM2007-108 created the 20' building setback for the property.

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: Platted parking area is within the state ROW. House encroaches the 20' setback. The remaining portion of the home and the well is in the platted section line easement.
SOA DOT comments	
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: This is within non-regulatory D Zone, an area with undetermined flood risk. No flood concerns with this location. Due to proximity to the highway, proper ditching and drainage to provide protection to the structure is recommended. Flood Zone: D Map Panel: 02122C-1880E In Floodway: False Floodway Panel: B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	
Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 31190 STERLING HWY Existing Street Names are Correct: Yes List of Correct Street Names: STERLING HWY, LONG GONE AVE Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric Comments: Structures must be permitted by platting, Planning Commission and Assembly to remain.
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.

Assessing	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	Inactive

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to grant APPROVAL for the portion of structures within the 20 foot building setback as shown on the September 2025 as-built survey, subject to:

1. Compliance with KPB 20.10.110 sections F and G.
2. Removal of all encroachments within the right-of-way dedication.
3. Providing a current as-built with recommended corrections as noted below, to be used as an exhibit drawing for Resolution 2025-26, prepared, signed, and sealed by a licensed land surveyor.
4. The recording fees be submitted to the Kenai Peninsula Borough Planning Department for the recording of the resolution.
5. Failure to provide an as-built so that it may be recorded within 90 days of approval will result in a new application, hearing, and approval.
6. Additional encroachments found on the new as-built will require a new hearing.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Add the dimensions of the carport

In note #2, correct the word 'abandoned'

In note #3, add mention of the steps and carport being in the building setback.

Add the 10' Utility Easement as noted on HM2007-108 to the as-built.

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.

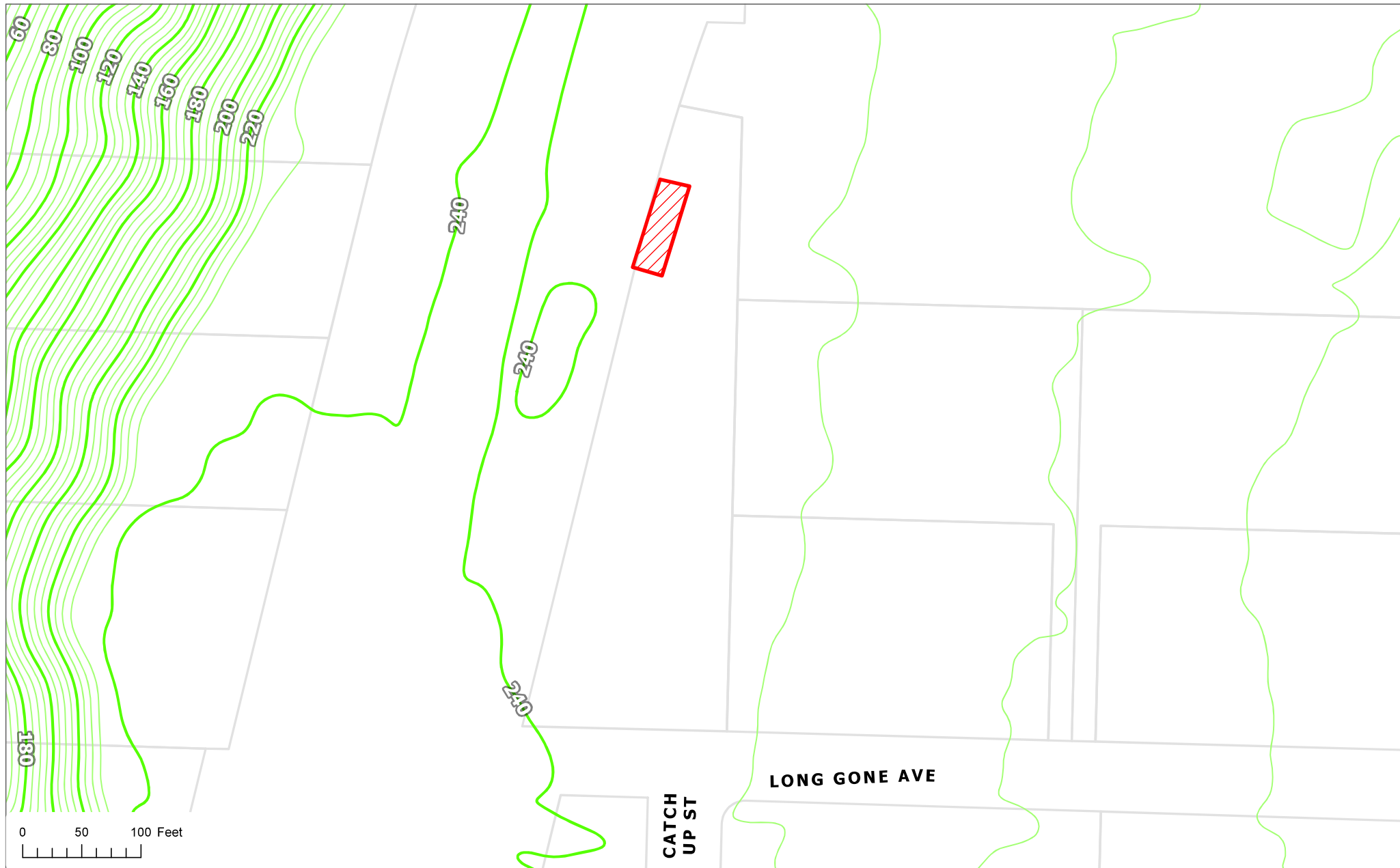
END OF STAFF REPORT



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Aerial with 5-foot Contours

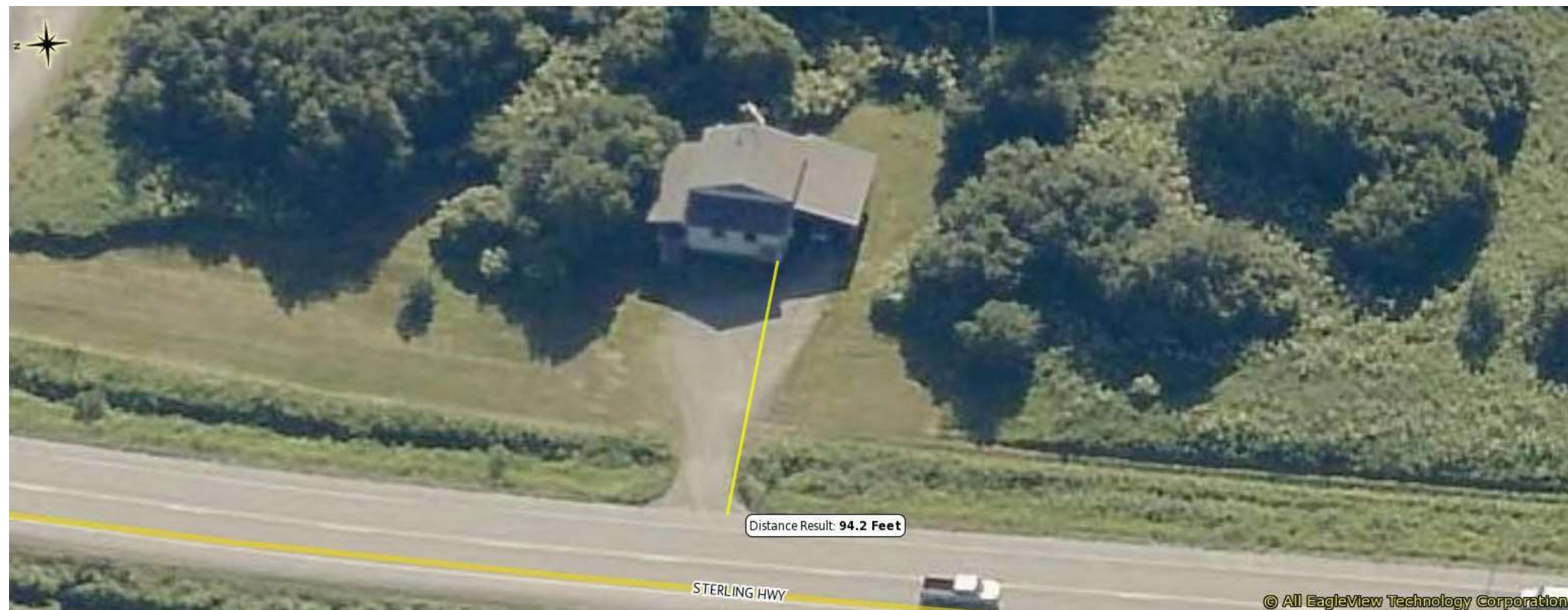


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165-630-27
4/16/2020 SC
R01

Map Aerial distance view from west

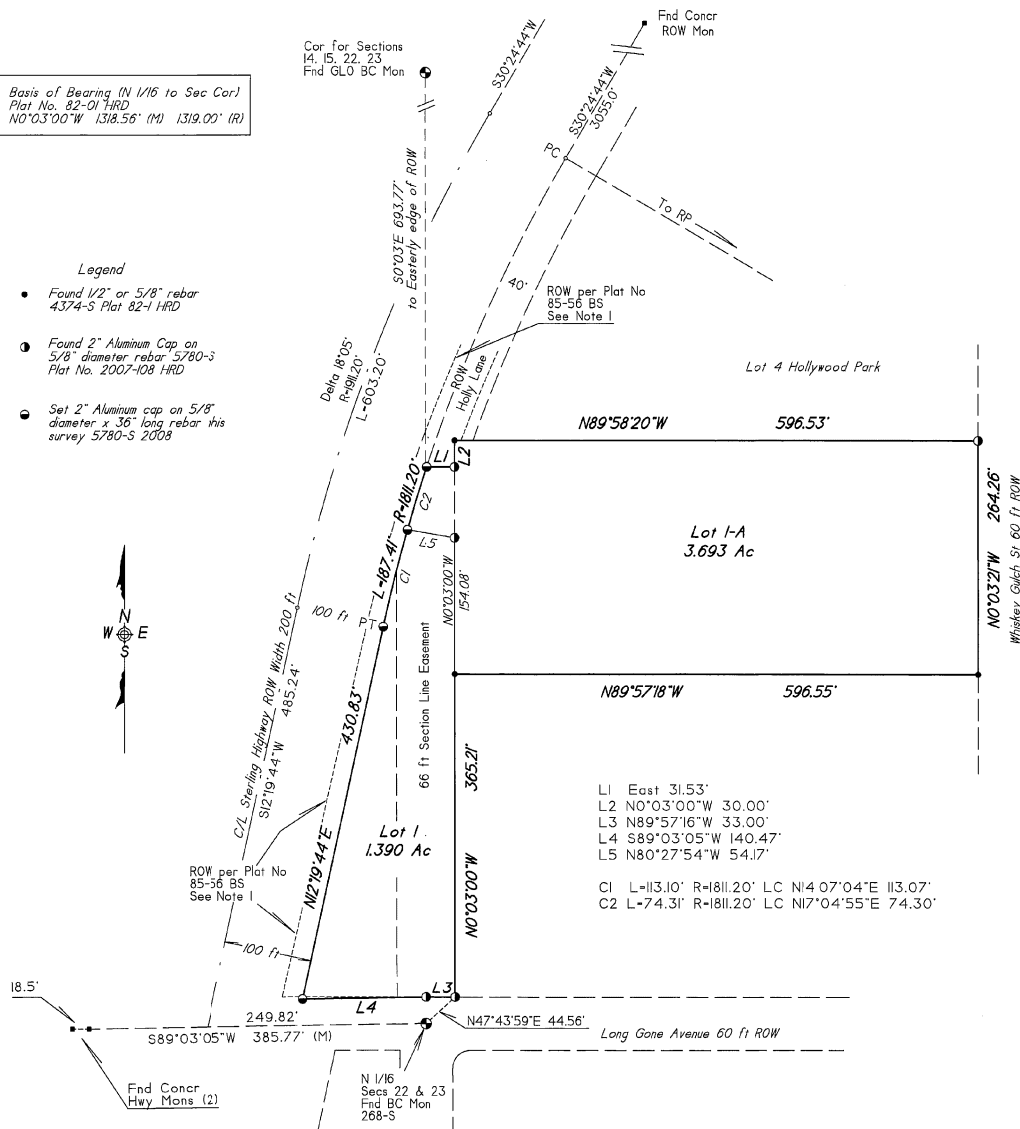


07/21/2023

E2-11

Basis of Bearing (N 1/16 to Sec Cor)
 Plat No. 82-01 HRD
 N0°03'00"W 1318.56' (M) 1319.00' (R)

- Legend**
- Found 1/2" or 5/8" rebar
 4374-S Plat 82-1 HRD
 - Found 2" Aluminum Cap on
 5/8" diameter rebar 5780-S
 Plat No. 2007-108 HRD
 - Set 2" Aluminum cap on 5/8"
 diameter x 36" long rebar this
 survey 5780-S 2008



Notes

- The "Deed of Record Boundary Survey" Plat No. 85-56 BS has been found to contain errors regarding the correct location of the Sterling Highway. The subdivision plat of Hollywood Kennedy Gibbons 2006 Addition Plat No. 2007-108 HRD was based in part on the now erroneous Plat No. 85-56 BS. This Record of Survey makes the appropriate correction along the east side of the Sterling Highway and corrects the area of the 2 effected lots. The ROW monuments set per Plat No. 2007-108 have been removed. No other changes to the effected lots have been made.
- Centerline and ROW data based on State of Alaska Dept of Highways "Right of Way Plat" Project No. F-021121 Sheet 33 of 36 as shown on Plat No. 63-423 HRD.
- Catch Up Street vacated by Plat No. 2007-108 HRD
- This survey does not constitute a subdivision as defined by A.S. 40.15.190.2.

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Roger W. Imhoff LS 5780 Date 2-23-2008



2008-19
 (Name) REC DIST
 Date 2/23/2008
 Time 2:38 P.M.
 Requested to Imhoff
 Address

Record of Survey

Being a resurvey of Lots 1 and 1-A Hollywood Kennedy Gibbons 2006 Addition as shown on Plat No. 2007-108 HRD located within NE 1/4 Section 22 and the NW 1/4 Section 23, T4S, R15W, S1M Kenai Peninsula Borough Homer Recording District, Third Judicial District State of Alaska

Containing 5.083 Acres, more or less

Current Owner Lot 1-A
 Brain & Charlotte Carper
 3150 Catch Up Street
 Anchor Point Ak 99556

Current Owner Lot 1
 Emmitt & Mary Joint Revocable Trust
 PO Box 193
 Anchor Point Ak 99556

Surveyor:
 Roger W. Imhoff, RLS
 PO Box 2588
 Homer Ak 99603

FB 2006-4
 2007-2 2008-1
 Drawn RWI
 Scale 1" = 100 ft

File landofgibbonsrecosurvey.vcd
 gibbons.cgo gibbons3.grp

Date 4-23-08

Basis of Bearing (N 1/16 to Sec Cor)
 Plat No. 82-01 HRD
 N0°03'00"W 138.56' (M) 138.00' (R)

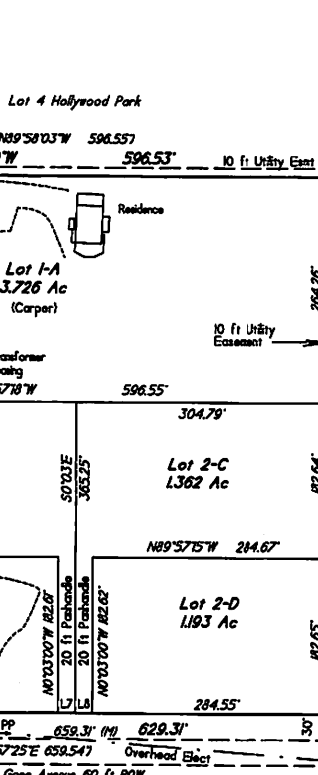
Legend

- Foamed 1/2" or 5/8" rebar
 4374-S Plat 82-1 HRD
- () Dimension of Record
 Plat No. 82-1 HRD
- ▨ ROW Vacated
 This Plot

W E

Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- A building setback of 20 feet for all new buildings is required from the edge of street right-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- The front 10 ft. and the entire building setback within 5 ft. of side lot lines is a utility easement.
- Existing overhead powerlines are centerline of a 20 ft. wide electrical distribution line easement.
- Set 2" self identifying Alutian cap on 5/8" x 36" long steel rebar at all lot corners unless noted otherwise.
- Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.
- No structures are permitted within the pasthandle portion of any flag lot(s).
- No new direct access to the Sterling Highway is allowed without prior written consent of the Alaska Dept. of Transportation.
- Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.
- No portion of the 66 ft wide section line easement as shown hereon is vacated by this plat.
- At its meeting on Sept 19, 2007, the Kenai Peninsula Borough approved the vacation of Catch Up Street as shown hereon.



Line Chart

- L1 N0°03'00"W 30.00'
- L2 S0°03'00"E 30.00'
- L3 West 33.00'
- L4 N0°03'00"W 39.94'
- L5 N80°27'54"W 70.85'
- L6 S89°56'48"E 33.00'
- L7 N89°56'48"W 20.00'
- L8 N89°56'48"W 20.00'

Wastewater Disposal

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

K. Thue 3380-E 11 Sep 07
 Engineer License No. Date

13. Source of data for the location of the Sterling Highway is 'Deed of Record Boundary Survey' per Plat No. 85-56 BS

Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Brian E. Carper, Charlotte L. Carper 9-7-07
 Owner of Former Lot 1 Hollywood Kennedy Addition
 Brian E. Carper Date Charlotte L. Carper Date
 3250 Catch Up Street
 Anchor Point AK 99550-984

Notary's Acknowledgment
 Subscribed and sworn to me before me this 7th day of September, 2007.

for Brian E. Carper and Charlotte L. Carper

Notary Public for Alaska
 My Commission Expires 12-21-10



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

August 24, 2007 R. W. Inhoff
 Date Roger W. Inhoff LS 5780

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of October 9, 2006

KENAI PENINSULA BOROUGH

By Margaret Knott
 Authorized Official

9003-108 REC DIST
 Date 11/29/2007
 Time 3:08 PM
 Requested By Peninsula
 Address

Sheet 1 of 3
 Sheets 2 and 3 are
 Signature Sheets Only

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Emmitt D. Trinkle 9-7-07
 Owner of Former Land of Gibbons (Portion Gov Lot 1 Sec 22)
 Emmitt & Mary Trinkle Joint Revocable Trust, UTAD February 6, 2006
 by Emmitt D. Trinkle, Co-Trustee Date
 PO Box 193
 Anchor Point AK 99550

Mary E. Trinkle
 Owner of Former Land of Gibbons (Portion Gov Lot 1 Sec 22)
 Emmitt & Mary Trinkle Joint Revocable Trust, UTAD February 6, 2006
 by Mary E. Trinkle, Co-Trustee Date 9-7-07
 PO Box 193
 Anchor Point AK 99550

Notary's Acknowledgment
 Subscribed and sworn to me before me this 7th day of September, 2007.

for Emmitt D. Trinkle

Notary Public for Alaska
 My Commission Expires 12-21-10



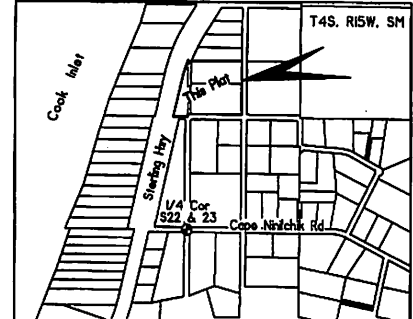
Notary's Acknowledgment
 Subscribed and sworn to me before me this 7th day of September, 2007.

for Mary E. Trinkle

Notary Public for Alaska
 My Commission Expires 12-21-10



Vicinity Map 1" = 1000 ft



Hollywood Kennedy Gibbons 2006 Addition

Being a subdivision Lots 1 and 2 Hollywood Kennedy Addition as shown on Plat No. 82-01 HRD and that portion of Gov Lot 1 Section 22 lying east of the ROW of the Sterling Highway and a vacation of a portion of the right-of-way of Catch Up Street located within NE 1/4 Section 22 and the NW 1/4 Section 23, T4S, R5W, SH

Containing 10.48 Acres, more or less

Client: Emmitt & Mary Trinkle PO Box 193 Anchor Point AK 99550	Surveyor: Roger W. Inhoff, RLS PO Box 2508 Homer AK 99603	FB 2006-4 2007-2 Dram RM Scale 1" = 100 ft
Date 6-30-06	File kndkgibbons.wcd	KPB File No. 06-273

**Signature Sheet
Sheet 2 of 3**

I hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

Lauren M Trimble
Owner of Former Lot 2 Hollywood Kennedy Addition
Lauren M. Trimble Date
PO Box 193
Anchor Point Ak 99556

Notary's Acknowledgement
Subscribed and sworn to me before me this 2nd day
of AUGUST 2007

for Lauren M. Trimble
Kathy Kacher
Notary Public for Alaska
My Commission Expires 12-21-10



Homer 2007-108

Hollywood Kennedy Gibbons 2006 Addition

Being a subdivision Lots 1 and 2 Hollywood Kennedy Addition as shown on Plat No. 82-01 HRD and that portion of Gov Lot 1 Section 22 lying east of the ROW of the Sterling Highway and a vacation of a portion of the right-of-way of Catch Up Street located within NE 1/4 Section 22 and the NW 1/4 Section 23, T4S, R15W, SM Homer Recording District, Third Judicial District State of Alaska

Containing 10.481 Acres, more or less

Clients: Emmitt & Mary Trimble PO Box 193 Anchor Point Ak 99556	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603	FB 2006-4 2007-2
		Drawn RWI
		Scale 1" = 100 ft
Date 6-30-06	File landofgibbons.vcd	KPB File No. 06-273

**Signature Sheet
Sheet 3 of 3**

I hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision; or require signature and approval of the beneficiary.

Lauren M. Trimble
 Owner of Former Land of Gibbons (Portion Gov Lot 1 Sec 22)
 Lauren M. Trimble Date
 PO Box 193
 Anchor Point Ak 99556

Notary's Acknowledgement
 Subscribed and sworn to me before me this 2nd day
 of August 2007

for Lauren M. Trimble
Kathy Kacher
 Notary Public for Alaska
 My Commission Expires 2-21-10



Hollywood Kennedy Gibbons 2006 Addition

Being a subdivision Lots 1 and 2 Hollywood Kennedy Addition as shown on Plat No. 82-01 HRD and that portion of Gov Lot 1 Section 22 lying east of the ROW of the Sterling Highway and a vacation of a portion of the right-of-way of Catch Up Street located within NE 1/4 Section 22 and the NW 1/4 Section 23, T4S, R15W, S1M Homer Recording District, Third Judicial District State of Alaska

Containing 10.481 Acres, more or less

Clients: Emmitt & Mary Trimble PO Box 193 Anchor Point Ak 99556	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603	FB 2006-4 2007-2
		Drawn RWI
		Scale 1" = 100 ft
Date 6-30-06	File landofgibbons.vcd	KPB File No. 06-273

Hollywood 2007-108

OWNERSHIP CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN HEREON AND THAT WE HEREBY ADOPT THIS PLAN.

Tom Gibbons Emily Gibbons
TOMMY A. GIBBONS EMILY GIBBONS
A.K.A. TOM GIBBONS
BOX 993, HOMER, AK.

NOTARY'S ACKNOWLEDGEMENT

SIGNED AND SWORN TO BEFORE ME THIS 22nd
DAY OF October, 1980.

Barrie Belline
NOTARY FOR ALASKA

MY COMMISSION EXPIRES 10-13-82

KENAI PENINSULA BOROUGH

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON July 25, 1980 FOR RECORDING BY THE STATE RECORDER AS A DEED OF RECORD BOUNDARY SURVEY.

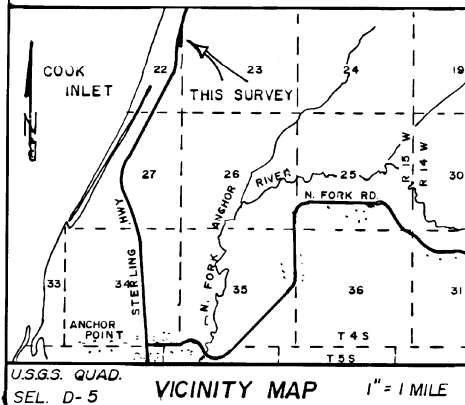
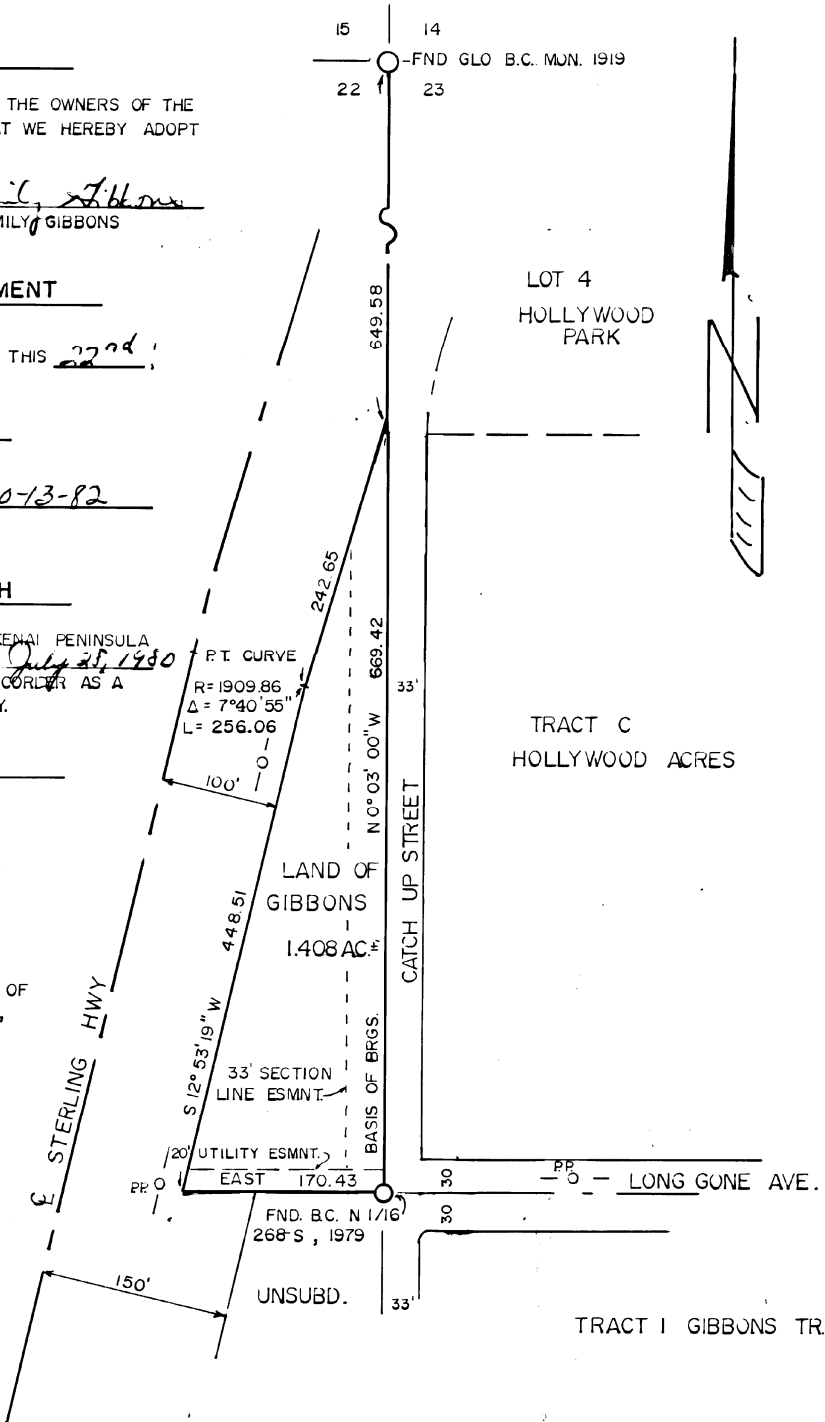
BY [Signature]
ADMINISTRATIVE OFFICER

LEGAL DESCRIPTION: THAT PORTION OF GOV'T. LOT 1, OF SECTION 22, T 4 S, R 15 W, S.M. LYING EAST OF THE STERLING HWY.

81-56 BS

FILED 10-
Homer REC. DIST.
DATE 7-27-1981
TIME 9:34 A
Requested by [Signature]
Address [Signature]

NOTE: 1/2" 24" REBAR SET AT ALL LOT CORNERS.



FAT MARQUIS 6/16/80
R.L.S. 4374-S

P & R LAND SURVEYING

STAR ROUTE, BOX 550
ANCHOR POINT, ALASKA 99556
(907) 235-7440

DEED OF RECORD BOUNDARY SURVEY

THAT PORTION OF THE SE 1/4, NE 1/4, NE 1/4, SEC. 22 LYING EAST OF THE STERLING HWY., T 4 S, R. 15 W. S.M., ALASKA. CONTAINING 1.408 AC. ±

SCALE: 1" = 100'

DATE: 16 JUNE 1980

PREPARED FOR:

MR. TOM GIBBONS
P.O. BOX 993
HOMER, ALASKA

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-26
HOMER RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT
TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1,
HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION (HM 2007-108); IN NE ¼ S22,
T04S, R15W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA
BOROUGH; KPB FILE NO. 2025-149**

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, Laida LLC of Anchor Point, AK requested a building setback encroachment permit to the twenty-foot building setback required by Hollywood Kennedy Gibbons 2006 Addition and

WHEREAS, on Monday, October 27, 2025, the Planning Commission considered the background information, all comments received, and any recommendations from KPB Planning Department staff regarding the proposed exception,

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 20-foot building setback limit on Lot 1, Hollywood Kennedy Gibbons 2006 Addition hm 2007-108 is hereby granted to accommodate only the encroaching portion of the house, covered porch, steps and carport based upon the following findings of fact:

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

1. The footage in front of the house is cleared so there is no interference with road maintenance.
4. The structures are approximately 94' from the driving surface of Sterling Highway.

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

2. Because the Right of Way is cleared there is no interference with sightlines or distances.
4. The structures are approximately 94' from the driving surface of Sterling Highway.

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

3. There is no safety issue exiting the property as you can see clearly in both directions far enough that it is safe:
4. The structures are approximately 94' from the driving surface of Sterling Highway.

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 20-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 3 of 3.

SECTION 6. That this resolution is void if not recorded in the appropriate Recording District within 90 days 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 _____, 2025.

_____ Jeremy Brantley, Chairperson Planning Commission	ATTEST:	_____ Ann Shirnberg, Administrative Assistant
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Return to:
Planning Department
Kenai Peninsula Borough
144 North Binkley Street
Soldotna, Alaska 99669