

## **E. NEW BUSINESS**

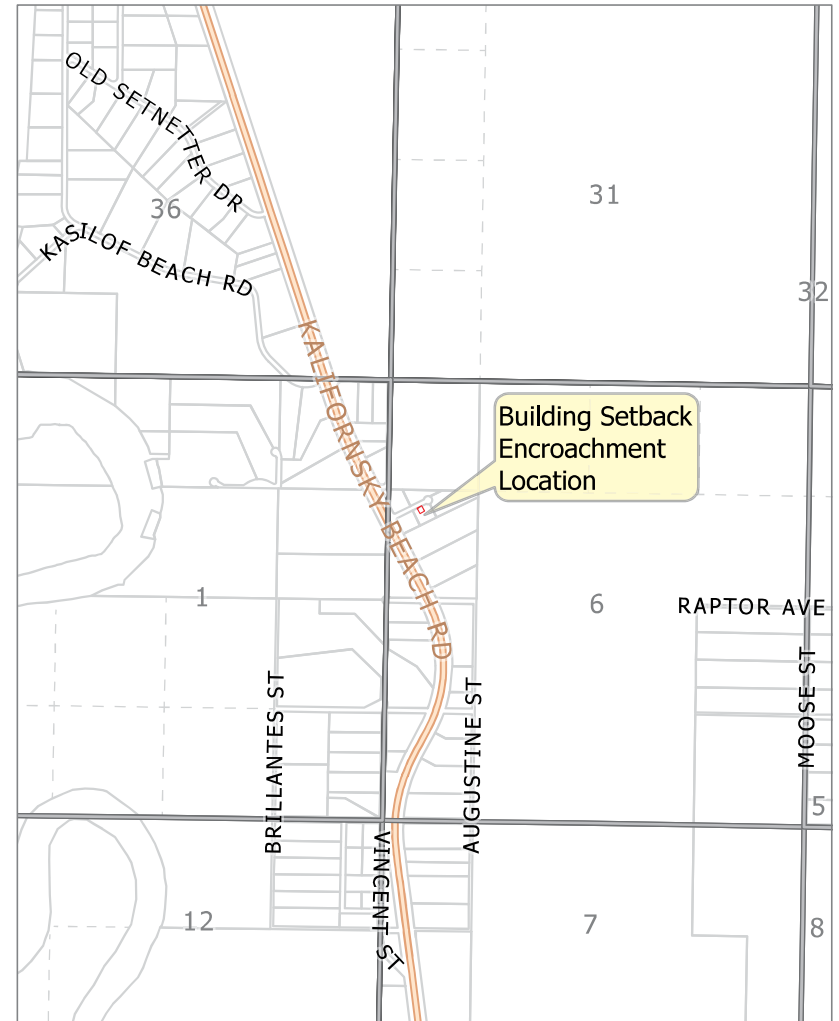
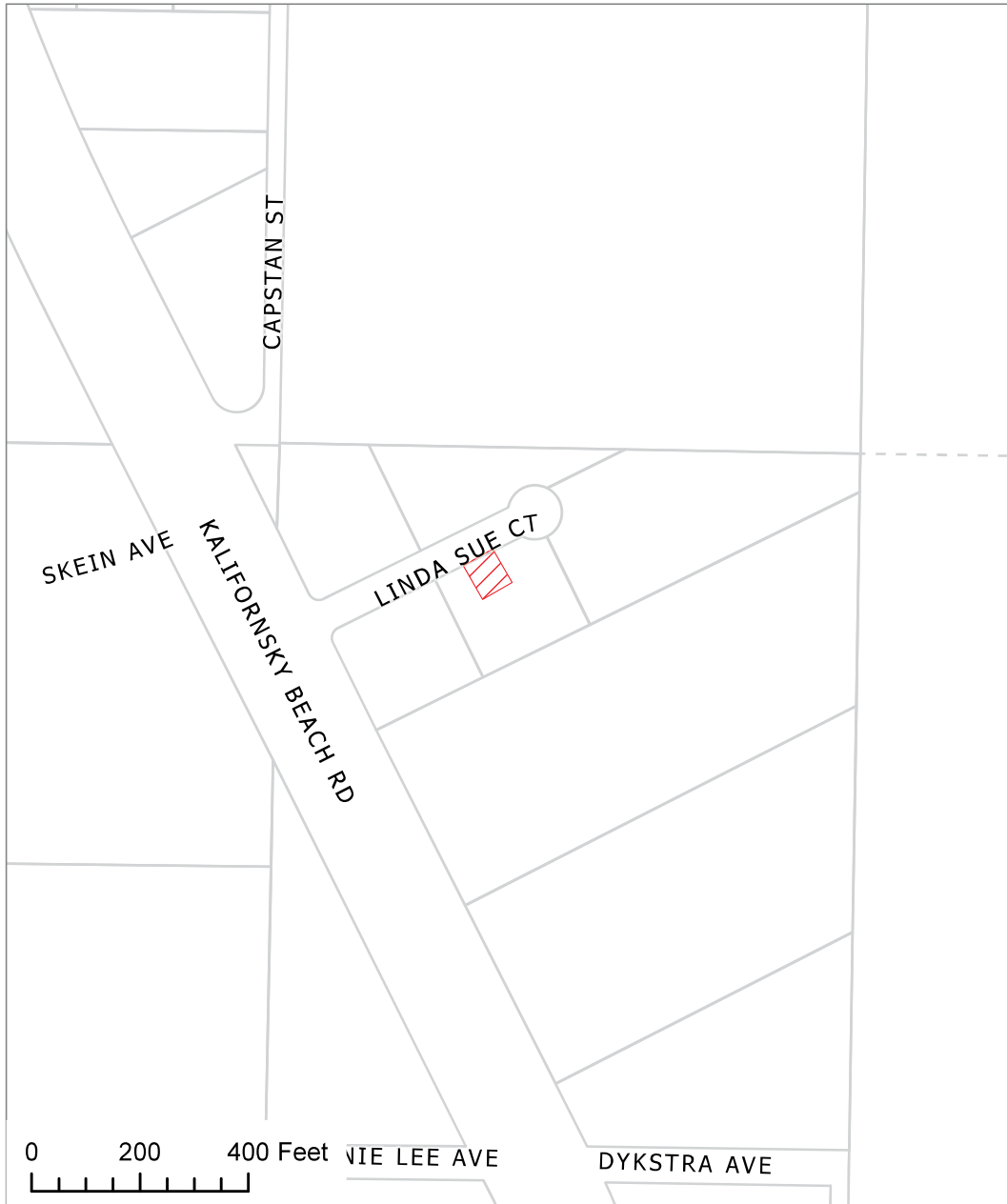
- 2. Building Setback Encroachment Permit; KPB File 2022-167  
PC RES 2025-22**

**Peninsula Surveying / Druhot**

**Request: Permits a 32.3-foot x 24.3-foot shop to remain 19.9 feet  
in the build setback on Lot 1-D, granted by Old Kasilof Subdivision**

**Addn. No. 1. Plat KN**

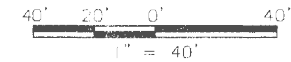
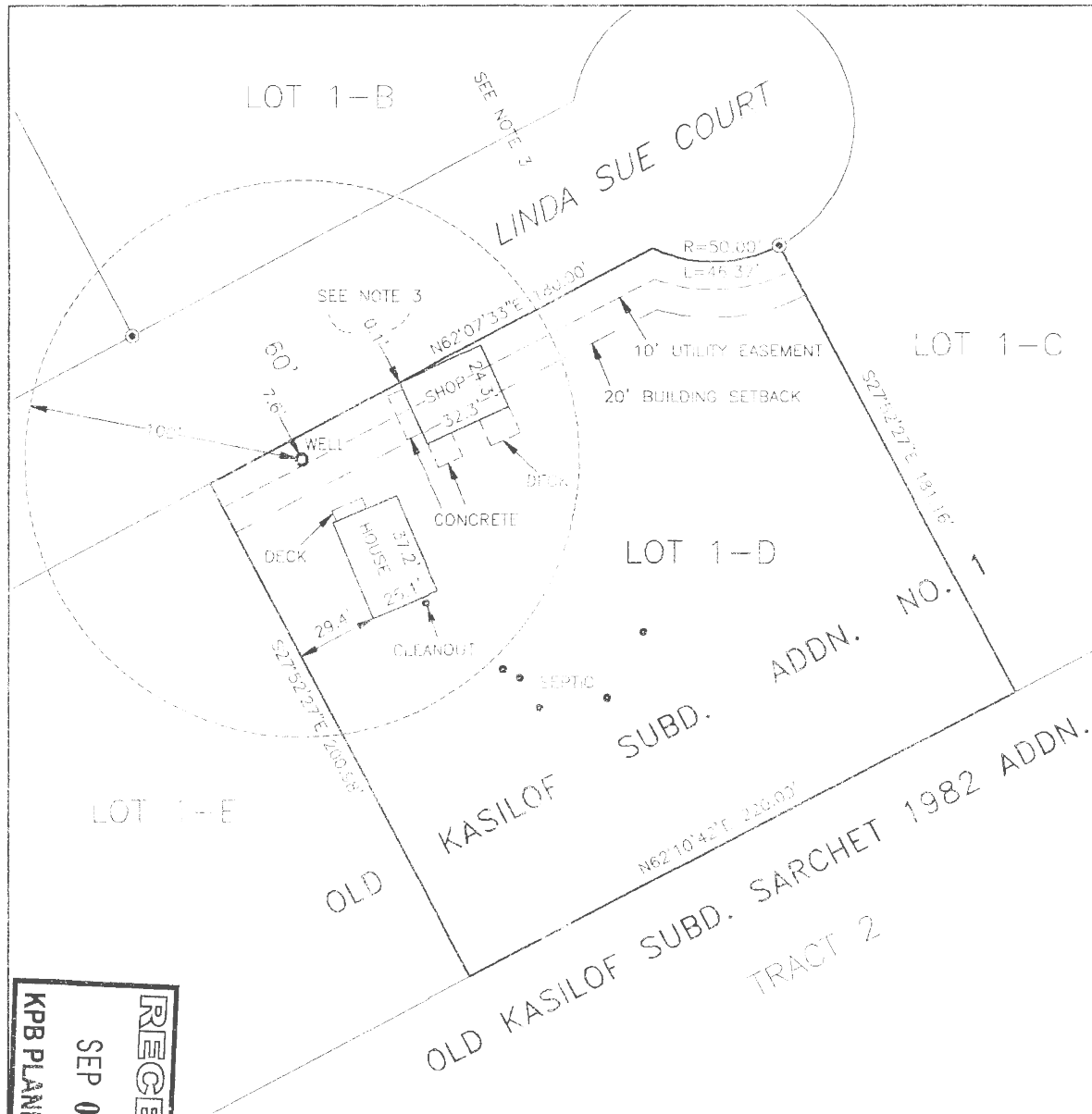
**Kalifornsky Area**



KPB File 2022-167  
T 03N R 11W SEC 06  
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.



#### LEGEND

● FOUND PEGS

#### NOTES

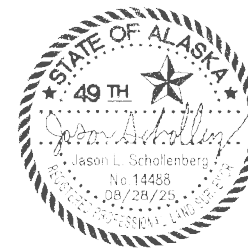
1. A TITLE REPORT WAS NOT PREPARED FOR THIS SURVEY. ADDITIONAL RECORDED AND UNRECORDED EASEMENTS MAY EXIST.
2. BUILDING DIMENSIONS ARE TO THE FACE OF THE BUILDING.
3. THE SHOP FOUNDATION DOES NOT ENCRACH ON THE ROW. IT IS ENTIRELY WITHIN LOT 1-D.
4. BEARINGS AND DISTANCES ARE FROM FIELD MEASUREMENTS AND PLAT KN 87-117.

#### SURVEYOR'S 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 ON: 08/25/2025.

*Jason L. Schollenberg* 08/28/2025

JASON L. SCHOLLENBERG DATE  
P.S. 14488-S



PENINSULA SURVEYING, LLC  
2000 W. MAIN STREET, SUITE 200  
ANCHORAGE, ALASKA 99501  
(907) 562-1111

AS-BUILT SURVEY  
LOT 1-D, OLD KASILOF SUBDIVISION  
ADDITION NO. 1  
SECTION 6, T3N, R11W, S.M.

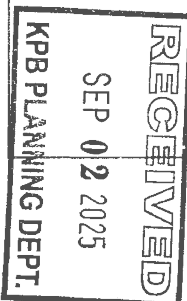
SCALE:  
1" = 40'

DATE:  
08/28/2025

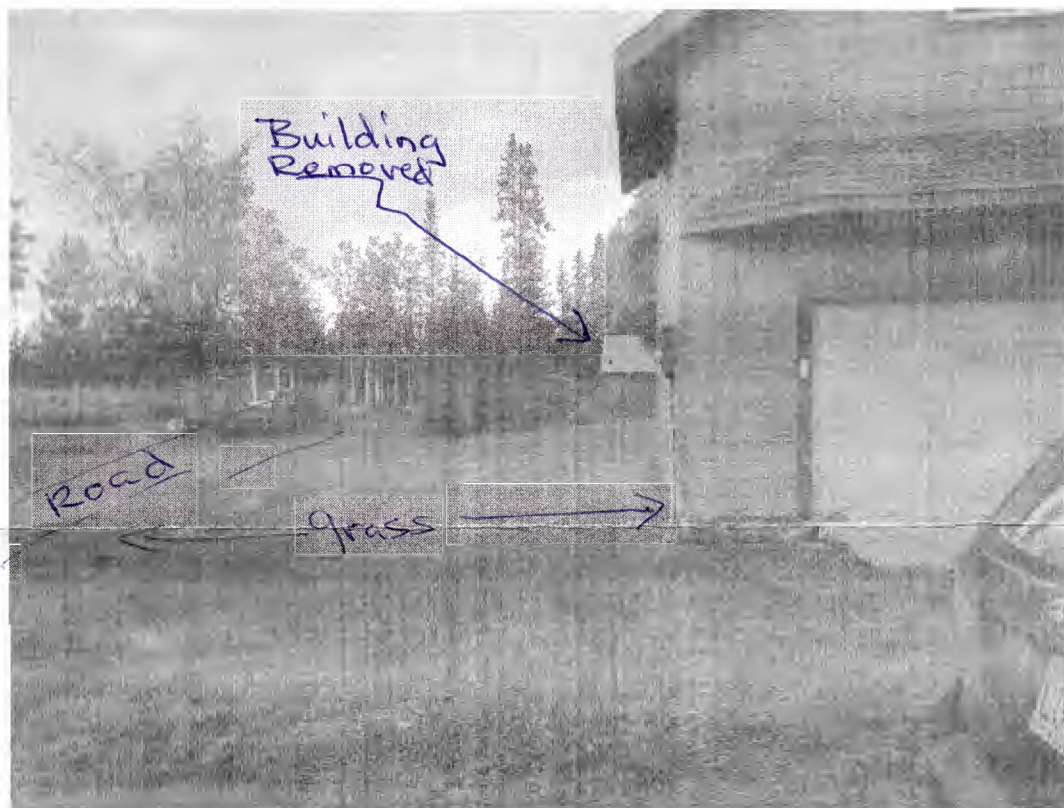
DRAWN:  
JLS

SHEET:  
1 OF 1

**KPB 2022-167**

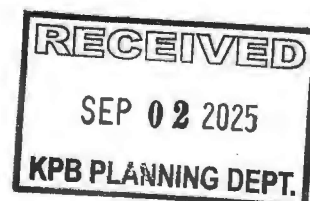






I do not have a color printer  
Road is only developed one lane.

51891 Linda Sue Ct  
Kasilof, AK 99610



AGENDA ITEM E.      NEW BUSINESS

**ITEM #2. – BUILDING SETBACK ENCROACHMENT PERMIT  
PERMITS A 32.3-FOOT BY 24.3-FOOT SHOP TO REMAIN ENTIRELY IN THE 20-FOOT BUILDING  
SETBACK ON LOT 1-D, GRANTED BY OLD KASILOF SUBDIVISION ADDITION NO 1, PLAT KN 87-117**

<b>KPB File No.</b>	2022-167
<b>Planning Commission Meeting:</b>	September 22, 2025
<b>Applicant / Owner:</b>	Gretchen and Jeffrey Druhot of Homer, Alaska
<b>Surveyor:</b>	Jason Schollenberg / Peninsula Surveying, LLC
<b>General Location:</b>	Linda Sue Court, Kalifornsky

<b>Parent Parcel No.:</b>	133-590-07
<b>Legal Description:</b>	T 3N R 11W SEC 6 Seward Meridian KN 0870117 OLD KASILOF SUB ADDN NO 1 LOT 1-D
<b>Assessing Use:</b>	Residential Dwelling
<b>Zoning:</b>	Unrestricted
<b>Resolution</b>	2025-22

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**STAFF REPORT**

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

Purchased property in June 2022, 'as-is' and thought the garage/ shop was not within the set-back, based on KPB imagery.

**Site Investigation:**

The submitted as-built includes two structures located on the subject parcel, a house and shop. KPB 2023 Pictometry, KPB 2025 Assessing Records and Google Earth 2024 Imagery show three structures: House, Garage and Pole Building. The Pole Building appears to be located within the Linda Sue Court Right-of-Way. Confirmation by the owner and surveyor have been submitted to the Planning Department stating that the former structure located within Linda Sue Court has been removed. The 24.3-foot by 32.3 foot shop is entirely within the 20-foot building setback and the northwest corner is 0.1 feet from the northern lot boundary.

Linda Sue Court is a 60-foot dedication that is currently privately maintained. The constructed portion of the road is approximately 15.5 feet wide constructed with gravel.

The structures are located along the straight portion of the road, so there do not appear to be an issue for sight distance for vehicles traveling on the road from the structures.

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**Staff Analysis:**

Old Kasilof Subdivision Sarchet 1982 Addition (KN 82-60) originally subdivided the land in 1982 creating Tracts 1 through 4 and granted a 20-foot building setback along all right-of-ways. Old Kasilof Subdivision Addition No 1 (KN 87-117) further subdivided Tract 1 in 1987 into Lots 1-A through 1-E and dedicated 60-feet to Linda Sue Court. KN 87-117 carried forward the 20-foot building setback adjacent to all rights-of-way.

KPB GIS Imagery contours layers indicate no slopes present on Linda Sue Court or the subject property.

Linda Sue Court provides access to four parcels indicating minimal traffic flow being a short cul-de-sac.

The structures are located along the straight portion of the road, so there do not appear to be an issue for sight distance for vehicles traveling on the road from the structures.

Terrain is level along the road and lot making no issue for sight distance from the structure also.

The road is privately maintained and the location of the structure does not appear to be causing an issue for road maintenance or snow removal. There are no trees between the road and the structure apparent in aerial photos.

**Applicant Discussion:**

Purchased property in June 2022, 'as-is' and thought the garage/ shop was not within the set-back, based on KPB imagery.

**Applicant Findings:**

1. The garage is approx. 24 x 32 ft, 1.5 stories on a concrete pad, it would be expensive to move the building.
2. The road is not borough maintained.
3. The garage does not limit road visibility or utilities.
4. The garage is approximately 10 feet from the gravel road base.
5. As-built completed and shows the garage is 0.1 ft from property line

**Staff Findings for the Commission's review:**

6. Old Kasilof Subdivision Addition No 1 (KN 87-117) further subdivided Tract 1 in 1987 into Lots 1-A through 1-E and dedicated 60-feet to Linda Sue Court.
7. KN 87-117 carried forward the 20-foot building setback adjacent to all rights-of-way.
8. The distance tool used on KPB Pictometry shows the constructed portion of the ROW is approximately 15.5 feet wide.
9. KPB Roads Department did not state any concerns that the structure would interfere with future road maintenance.
10. The distance tool staff used on KPB Pictometry shows the garage is approximately 20 feet from the driving surface of the road.
11. No slopes present according to KPB GIS Imagery contours layer.
12. Linda Sue Court provides access to four parcels indicating minimal traffic flow.
13. No structures are located within the Linda Sue Court Right-of-Way.
14. Structure shown in aerials located near bulb has been removed. Confirmed by owner and surveyor.

**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 3, 4, and 9 appear to support this standard.**

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

**Findings 3, 4, 10 and 11 appear to support this standard.**

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

**Findings 3, 4, 8, 9, 10, 11 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	<p>Out of Jurisdiction: No</p> <p>Roads Director: Uhlin, Dil</p> <p>Comments: The shed in the cul-de-sac must be moved. shop and well are in the setback</p>
SOA DOT comments	No response
KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie</p> <p>Floodplain Status: Not within flood hazard area</p> <p>Comments: Within non-regulatory D zone. There is no data for this area and undetermined flood risk.</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan</p> <p>Habitat Protection District Status: Is NOT within HPD</p> <p>Comments: No comments</p>
State of Alaska Fish and Game	No response
Addressing	<p>Reviewer: Pace, Rhealyn</p> <p>Affected Addresses: 51891 LINDA SUE CT</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: LINDA SUE CT</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</p> <p>Comments: an exception should be applied for and awarded before final approval.</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>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</p> <p>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 20 foot building setback as shown on the 2025 as-built survey:

If the Commission determines the petitioner **has** met the burden of proving by substantial evidence that each of the Standards is met, the Commission should identify the findings of fact, based upon substantial evidence from the record, which includes this Staff Report, it determines are applicable to the Standards, and incorporate the following conditions for final approval:

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 2025-22, 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.

If the Commission determines the petitioner has not met the burden of proving by substantial evidence that each of the Standards is met, the Commission should deny the application, and it should explain its reasons.

### **STAFF RECOMMENDATIONS**

#### **CORRECTIONS / EDITS**

- Add plat recording labels to the surrounding lots
- Plat note 3 should be revised to more be a note that this location is to the foundation of the structure and lying within the boundary of Lot 1-D entirely.
- 100' radius limit of well can be removed.

### **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 2025-22  
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1-D, OLD KASILOF SUBDIVISION ADDITION NO. 1 (KN 0820060); IN NE 1/4 S06, T03N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2022-167

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, Jeffrey and Gretchen Druhot of Homer, AK requested a building setback encroachment permit to the 20-foot building setback granted by Old Kasilof Subdivision Addition No. 1 (KN 0820060); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, September 22, 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 0820060 Lot 1-D is hereby excepted to accommodate only the encroaching portion of the Shop.

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 Shimberg,  
Administrative Assistant

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





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.





Aerial with 5-foot Contours



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.





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05/12/2023

E2-12

# View from Linda Sue Court



05/12/2023





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05/12/2023

E2-14

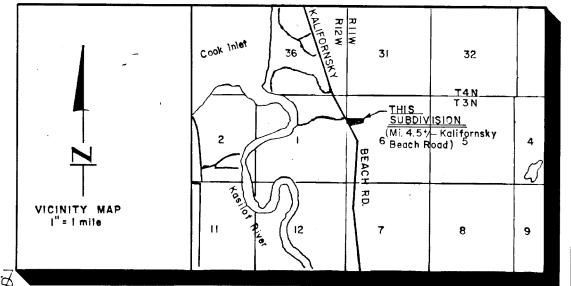
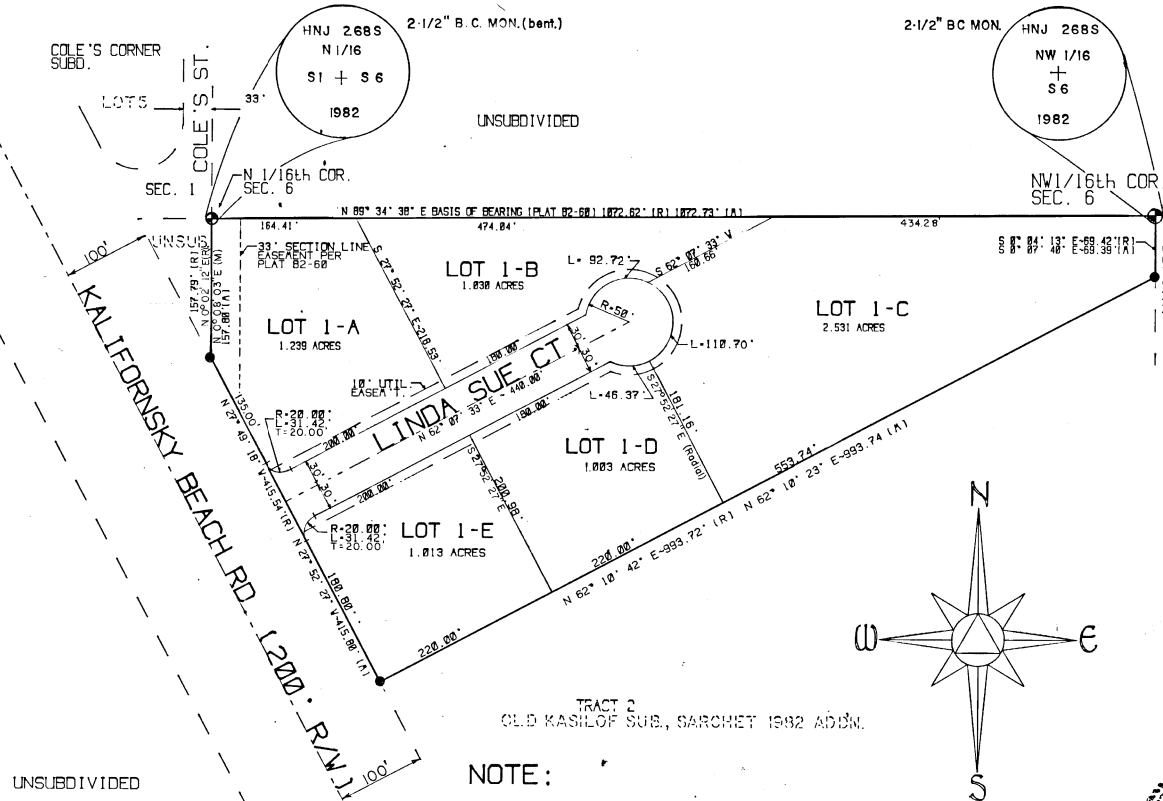


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05/12/2023

E2-15





**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I (We) hereby certify that I am (we are) the owner (s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision, and dedicate all Right-of-Ways and public areas to public use, and grant all easements to the use shown.

*John Nussbaum* *Linda S. Nussbaum* *John Nussbaum, P.O.A. for*  
 JOHN NUSSBAUM LINDA S. NUSSBAUM JOHN NUSSBAUM, P.O.A. for  
 P.O. BOX 2052 P.O. BOX 2052 MARK I. SHULER  
 KENAI, ALASKA KENAI, ALASKA C/O P.O. BOX 2052  
 99611 99611 KENAI, ALASKA 99611

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn before me this 12 day of NOV.

1987 for JOHN NUSSBAUM & LINDA S. NUSSBAUM & JOHN NUSSBAUM  
P.O.A. for MARK I. SHULER

STATE OF ALASKA  
 JAMES BISHOP  
 NOTARY PUBLIC

*Vanice Bishop*  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 2/24/91

**CERTIFICATE OF REGISTERED SURVEYOR**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described and that all dimensions and other details are correct.

DATE 10 Nov. 87 REGISTRATION NUMBER 1564-S

*James Karl Dowling*  
 JAMES KARL DOWLING  
 REGISTERED LAND SURVEYOR

**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of August 24, 1987

KENAI PENINSULA BOROUGH  
 BY *Mark I. Shuler*  
 Authorized Official

**OLD KASLOF SUBDIVISION ADDITION NO. 1**

SUBDIVISION OF TRACT 1, OLD KASLOF SUBDIVISION, SARCHET 1982 ADD'N.

CONSISTING OF LOTS 1-A-1-E CONTAINING 7.54 ACRES

SITUATED WITHIN THE SW 1/4 NW 1/4 SEC. 6, T3N, R12W, S.M.

**RICE-WHITFORD and ASSOCIATES**  
 P.O. BOX 1170 SOLDOTNA, ALASKA 99669  
 ENGINEERS 262-9011 SURVEYORS

SURVEYED 8-13-87/RS NO. 87-1 PLATTED: NOVEMBER, 1987  
 DRAFTED: RDR SCALE: 1"=100'  
 CHECKED: JKD KPB FILE NO. 87-130

**NOTE:**

NO DIRECT ACCESS TO STATE MAINTAINED ROW'S UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.

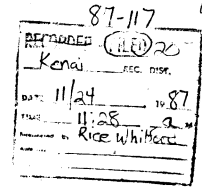
- LEGEND**
- Found Monument
  - Set Alum. Cap Monument
  - Found 1/2" Rebar
  - Set 5/8" Rebar/plastic cap

**CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

This subdivision has been reviewed in accordance with 18AAC72.065 and is approved, subject to any noted restrictions.

*Paul M. Mullen* *11/2/87*  
 Signature Title Date

- NOTES:**
- 1) Source of record survey information is plat no. 82-60
  - 2) A setback of 20' feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.
  - 3) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 ACC 70, 18 ACC 72, and 18 ACC 80.



# OLD KASILOF SUBDIVISION

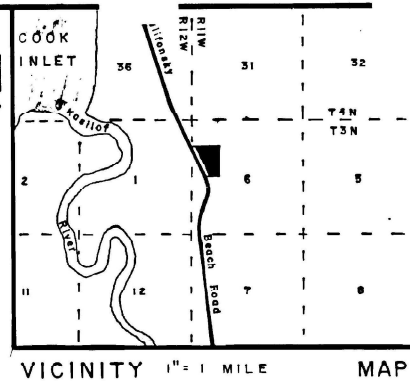
LOCATED IN GOV LOT 5, IN FRACTIONAL NW1/4 SEC. 6, T3N, R11W, S.M., AK

## SARCHET 1982 ADDITION

SCALE 1"=200' AREA = 24.360 AC. MAY 7, 1982  
BY: GEORGE E. SARCHET, BOX 709 C KASILOF, ALASKA 99610

### LEGEND

- ✚ - 1919 brass cap monument by GLO, found
- ⊙ - Brass cap mon. by 268-S
- - 1/2" x 2' rerod set
- - Concrete r.o.w. mon. by Dept. of Highways, found
- sw - Swampy ground



### PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 21, 1982

KENAI PENINSULA BOROUGH

BY: Frank D. Leger  
Authorized Official

### NOTE

A building set-back of 20' from all ROW's is required unless a lesser standard is approved by a resolution of appropriate planning commission. Building set-back line to be limit of UTILITY EASEMENTS along streets.

### OWNERS CERTIFICATE

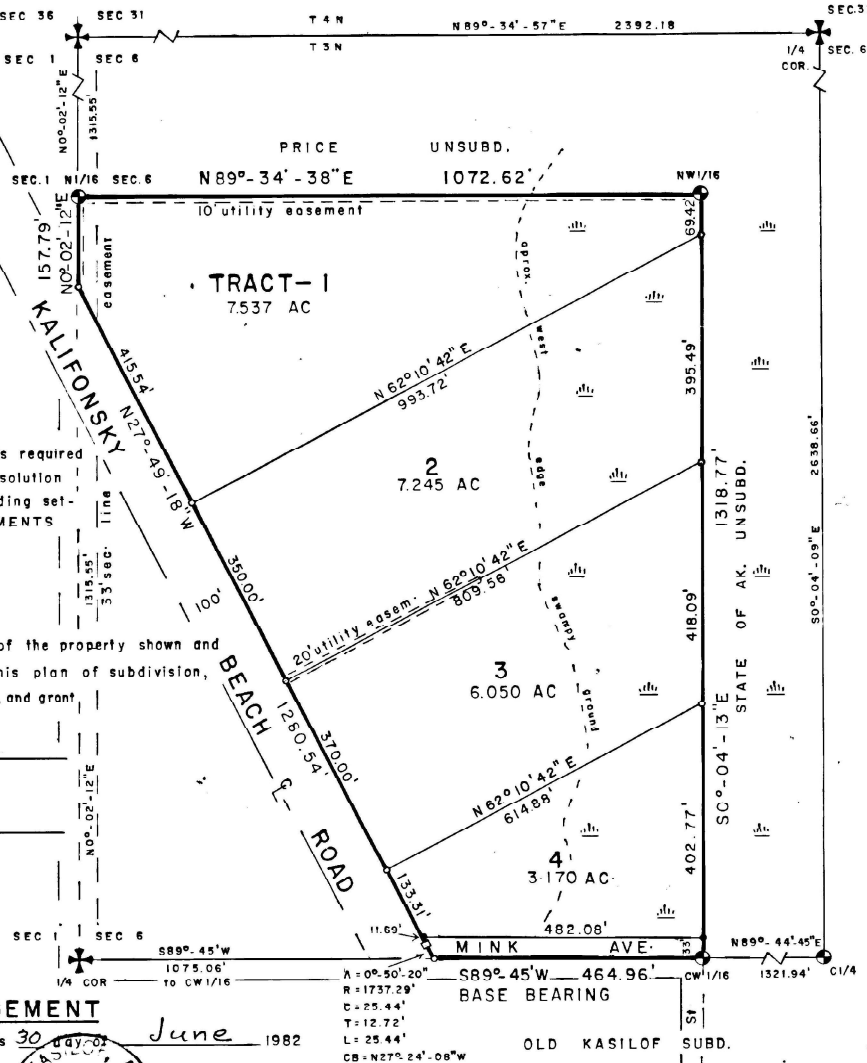
We hereby certify that we are the owners of the property shown and described hereon, and we hereby adopt this plan of subdivision, and dedicate all rights of ways to public use, and grant all easements to the uses shown.

George E. Sarchet

### NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 30 day of June 1982

Frederick J. Galloway  
NOTARY PUBLIC FOR ALASKA, for George E. Sarchet  
My commission expires January 1982



82-60

FILED 1000

Kenai REC. DIST.

DATE 6-30 1982

TIME 3:37 PM

Witnessed by Hanning Johnson

Address

