

E. NEW BUSINESS

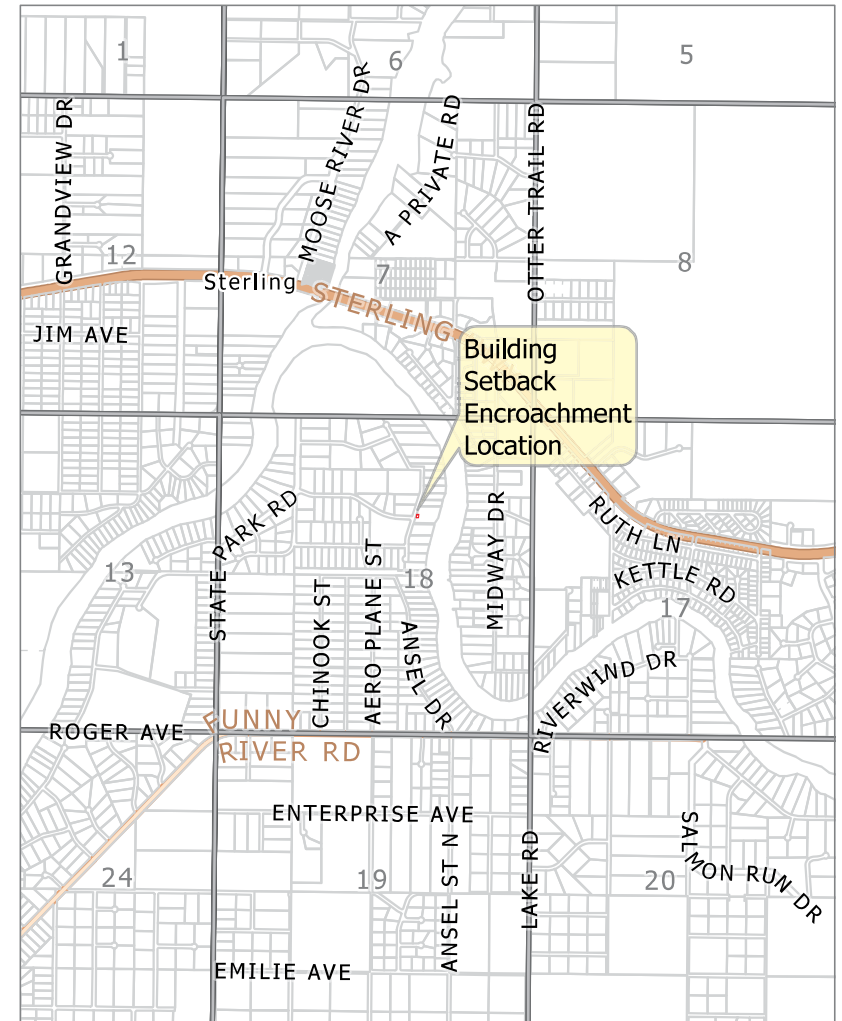
1. Building Setback Encroachment Permit

KPB 2025-153; PC Resolution 2025-27

Johnson Surveying / Stevens

Request: Permits a portion of a shop to remain in the 20' building setback; N 440' of Government Lot 6 lying east of Sara St. & excluding Apache Acres Part 8

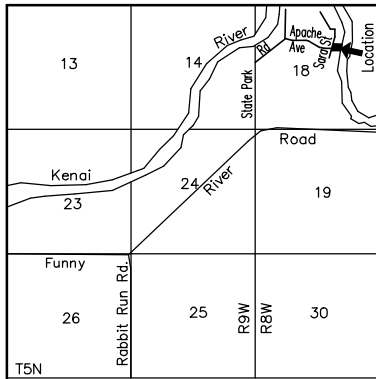
Funny River Area / Funny River APC



KPB File 2025-153
T 05N R 08W SEC18
Funny River



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.



VICINITY 1" = 1 mile MAP

Asbuilt Survey of Shop

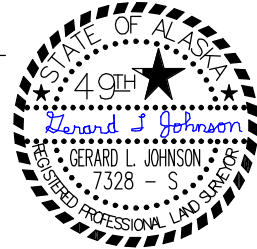
Located on a portion of the North 440' of Government Lot 6 lying East of Sara St. and excepting Apache Acres Subd. Part 6.
Located in the NE 1/4, Section 18, T5N, R8W, SM, Alaska.
Kenai Recording District Kenai Peninsula Borough

Prepared for

John Robert Stevens
P.O. Box 3171
Erina, NSW 2250
Australia

Prepared by

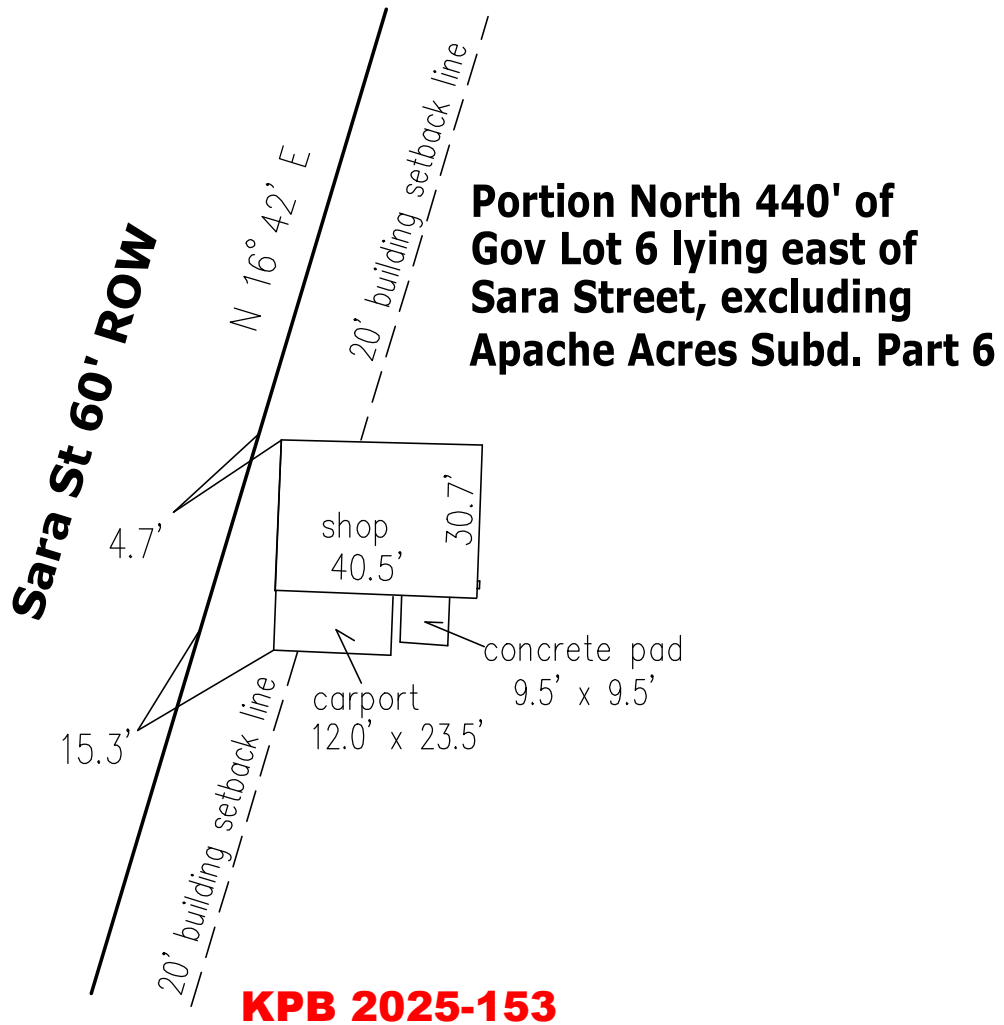
Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568
(907) 262-5772

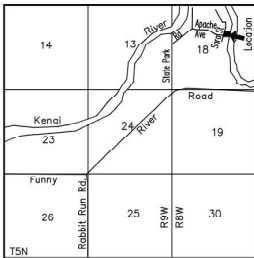


SCALE 1" = 50' 3 October, 2025

NOTES

Shop extends 15.3' into building setback.





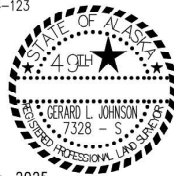
VICINITY 1" = 1 mile MAP

Apache Acres Part Nine

A subdivision of a portion of the North 440' of Government Lot 6 lying East of Sara St. and Excepting Apache Acres Part 6 (KRD 89-50). Located in the NE 1/4, Section 18, T5N, R8W, S1M, Alaska. Kenai Recording District Kenai Peninsula Borough File 2024-123

Prepared for
John Robert Stevens
P.O. Box 3171
Erina, NSW 2250
Australia

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, AK 99568
(907) 282-5772



SCALE 1" = 100' 2.392 Acres 15 September, 2025

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement, extending to 20' within 5' of side lot lines. Existing building shown predates the granting of this setback and easement and is not subject to them. Any additional or replacement construction will then be subject to the setback and easement.
2. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
3. Driveway shown is also location of a mutual private access easement as described by Kenai Records Deeds Serial #2007-009015-0. Per KPB 20.16.170(B), the borough will not enforce private covenants, easements, or deed restrictions.
4. Any person developing the property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
5. Overhead power line shown is the centerline of a 30' wide utility easement, 15' each side, including guys and anchors.
6. Meander line shown is for area computations only. The true corners being on the extensions of the side lot lines and the intersections with the natural meanders.
7. Acceptance of this plat by the borough does not indicate acceptance of any encroachments.
8. All bearings and distances shown hereon are measured and agree with record information unless noted otherwise.
9. Top river bank shown is the approximate limit of Flood Zone X.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 16 December, 2024.

KENAI PENINSULA BOROUGH

By: _____
Authorized Official Date

Plat #
Rec. Dist.
DATE 20
TIME _____ M

LEGEND

- ⊕ - 3" x 1/4" Alcap monument, 3255-S, 2002, per KRD 2002-76, found
- ⊙ - 3" x 1/4" Alcap monument, 4928-S, 2000, per KRD 2002-76, found
- - 1/2" rebar, found
- ▲ - 1/2" x 4' rebar with plastic cap, set.

FLOOD HAZARD NOTICE

Some or all of the property shown on this plat has been designated by FEMA or the Kenai Peninsula Borough Seward Mapped Flood Data Area as a flood hazard area district (Flood Panel 02122C-0390F), flood zones AE & X, as of the date this plat is recorded with the district recorders office. Prior to development, the Kenai Peninsula Borough floodplain administrator should be contacted for current information and restrictions. Development must comply with Chapter 21.06 of the Kenai Peninsula Borough Code.

FLOODWAY NOTICE

Portions of this subdivision are within the floodway, (floodway panel 020012-0008). Pursuant to KPB Chapter 21.06, all development (including fill) in the floodway is prohibited unless certification by an engineer is provided demonstrating that encroachments shall not result in any increases in flood levels during the occurrence of the base flood discharge.

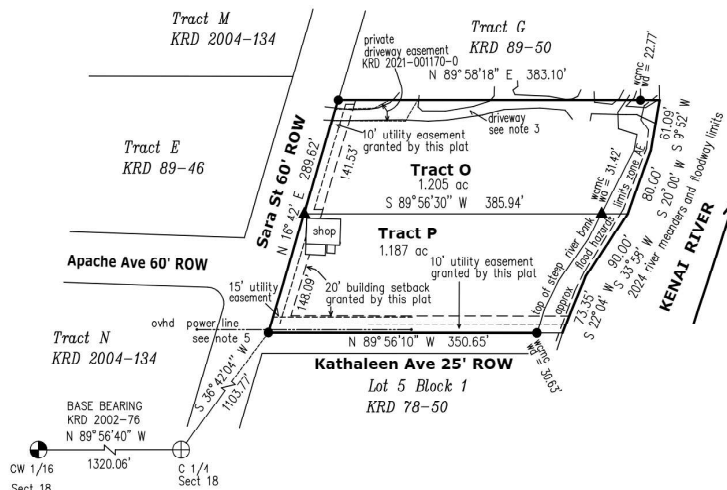
ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE

Portions of this subdivision are within the Kenai Peninsula Borough Anadromous Waters Habitat Protection District. See KPB Chapter 21.18 as may be amended for restrictions that affect development in this subdivision. Width of the Habitat Protection District shall be in accordance with KPB 20.18.040.

WASTEWATER DISPOSAL

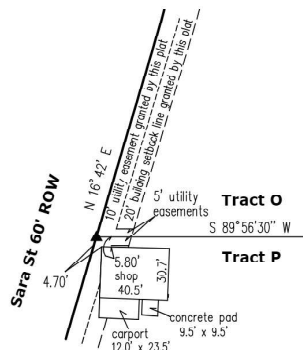
20.40.040
Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Engineer License # Date



DETAIL OF SHOP

Scale 1" = 50'



NOTES
Shop extends 15.3' into building setback.
Shop extends 5.3' into 10' utility easement.
Corner shop is 5.8' from side lot line.

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described herein; and that I hereby adopt this plan of subdivision and by my free consent grant all easements to the use shown.

John Robert Stevens
P.O. Box 3171 Erina, NSW 2250 Australia

NOTARY'S ACKNOWLEDGEMENT

For: John Robert Stevens
Acknowledged before me this _____

day of _____, 2025.

Notary Public for _____

My commission expires _____

AGENDA ITEM E. NEW BUSINESS

ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT

PERMITS A 30.7-FOOT BY 40.5-FOOT SHOP TO REMAIN 15.3-FEET INTO THE 20-FOOT BUILDING SETBACK; AND A 12-FOOT BY 23.5-FOOT CARPORT TO REMAIN 4.7-FEET INTO THE 20-FOOT BUILDING SETBACK ADJACENT TO SARA STREET GRANTED BY PLAT KN 79-157 ON THAT PORTION OF THE NORTH 440 FEET OF GOVERNMENT LOT 6, LYING EAST OF SARA STREET, EXCEPT APACHE ACRES SUBDIVISION PART 6

KPB File No.	2025-153
Planning Commission Meeting:	October 27, 2025
Applicant / Owner:	John Robert Stevens of Australia
Surveyor:	Jerry Johnson, Johnson Surveying
General Location:	Sara Street, Funny River Area

Parent Parcel No.:	066-280-22
Legal Description:	T 5N R 8W SEC 18 SEWARD MERIDIAN KN THAT PORTION OF THE NORTH 440 FT OF GOVT LOT 6 LYING EAST OF SARA STREET EXCEPT APACHE ACRES SUB PART 6
Assessing Use:	Residential Dwelling
Zoning:	Rural Unrestricted
Resolution	2025-27

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Building has existed in this location for over 30 years and has not created any problems with adjacent ROW. Granting of this exception will not adversely affect any adjacent properties or create any hazard to the public.

Site Investigation:

The submitted as-built depicts two structures within the 20-foot building setback along Sara Street. The 30.7-foot by 40.5-foot shop encroaches 15.3-feet into the setback and the 12-foot by 23.5-foot carport encroaches 4.7-feet into the setback. Reviewing this information with KPB GIS Imagery, the location of the improvements appears to be correct. KPB Assessing records indicate a 30-foot by 40-foot structure (shop) was built approximately in 1979 and a 14-foot by 24-foot structure (carport) was built in approximately 2016. These structures are assumed to be the depicted structures on the as-built.

Sara Street is located to the west and Kathaleen Avenue on the south. Sara Street is a 60-foot dedication and Kathaleen Avenue is a 25-foot dedication; both borough-maintained on the portions abutting the subject parcel. Kathaleen Avenue provides access to the Kenai River to the east and appears to only be used as a drive for an adjacent parcel to the south per KPB GIS Imagery. Sara Street to the north provides access for approximately 6 developed parcels and 2 undeveloped parcels. Portions of Sara Street are undeveloped towards the north. The encroaching structure is approximately 61.9-feet from the constructed portion of Sara Street. Trees and a clearing separate the current right-of-way from the structure. The encroachment does not appear to affect sight distance due to the distance from the road.

Staff Analysis:

In 1979, Apache Acres Subdivision Part Two (KN 79-157) subdivided the E1/2 NW1/4 and Government Lots 2 and 6, within Section 18, Township 5 North, Range 8 West, Seward Meridian, Alaska. This plat dedicated Sara Street, created Tract A, and 30 acres remained unsubdivided. A plat note stated all lots are subject to a 20-foot building

setback along all dedicated rights-of-way. Per KPB Ordinance put into effect on May 7, 1968, at the time the Borough started including a 20-foot building setback requirement from all street rights-of-way on plat notes.

Apache Acres Part Nine is the associated plat to the subject parcel. This plat is subdividing a portion of the unsubdivided remainder from the 1979 plat. The dedication from Apache Acres Subdivision Part Two KN 79-157 held the creation of the building setback with the dedication of Sara Street on the plat.

No steep slopes affect Sara Street or the location of the structures.

The River Center Reviewer has identified the encroaching structure to be located within the non-regulatory X-Unshaded Zone, an area of minimal flood hazard and has no concerns to the structure remaining in current location.

Applicant Discussion:

Building has existed in this location for over 30 years and has not created any problems with adjacent ROW. Granting of this exception will not adversely affect any adjacent properties or create any hazard to the public. The structures will not interfere with sight distances, will not interfere with road maintenance and will not impose a safety hazard.

Applicant Findings:

1. The existing constructed road is off center so that there is more than usual distance to it.

Staff Findings for the Commission's review:

2. In 1979, Apache Acres Subdivision Part Two (KN 79-157) included a plat note creating a 20-foot building setback along Sara Street.
3. Apache Acres Part Nine is the associated plat to the subject parcel. This plat is subdividing a portion of the unsubdivided remainder from the 1979 plat. The 20-foot building setback along Sara Street is carried forward to this plat.
4. KPB Assessing records indicate a 30-foot by 40-foot structure (shop) was built approximately in 1979.
5. KPB Assessing records indicate a 14-foot by 24-foot structure (carport) was built in approximately 2016.
6. Sara Street is a 60-foot dedicated borough-maintained road.
7. Approximately 17.8-feet of Sara Street appears to be constructed near the intersection of Apache Avenue and near the encroachments.
8. The encroaching structures are approximately 61.9-feet from the constructed portion of Sara Street.
9. Trees and a clearing separate the driving surface of Sara St from the structure.
10. Sara Street to the north provides access for approximately 6 developed parcels and 2 undeveloped parcels.
11. KPB RSA did not provide any concerns regarding maintenance issues.

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, 8, & 9 appear to support this standard.

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

Findings 1,8, & 9 appear to support this standard.

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

Findings 1, 8, & 9 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:

KPB department / agency review:

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: Shop and attached carpot are within the 20' setback
SOA DOT comments	No Response
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: This property is subject to floodplain regulations. The location of the shed being discussed is within the non-regulatory X-Unshaded Zone, an area of minimal flood hazard. Staff has no concerns with allowing the structure to remain in current location. Flood Zone: AE,X (shaded),X (unshaded) Map Panel: 02122C-0390F In Floodway: True Floodway Panel: *same as FIRM Panel B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: Portions of this plat fall under the jurisdiction of KPB 21.18 and River Center must permit all work within 50 feet of the waterbody.
State of Alaska Fish and Game	No Response
Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 37680 SARA ST Existing Street Names are Correct: Yes List of Correct Street Names: SARA ST 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 the Platting , Planning Commision 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	No response
HEA	HEA has no facilities on this side of the ROW and has no objection to a building setback exception for the existing shop as depicted on this drawing.
ACS	No Objections

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 October 2025 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 2025-27, 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 90 days of approval will result in a new application, hearing, and approval.
5. Additional encroachments found on the new as-built will require a new hearing.
6. Reference by plat note of the filing of Resolution 2025-27 and approval information on the plat of the subject property.

STAFF RECOMMENDATIONS

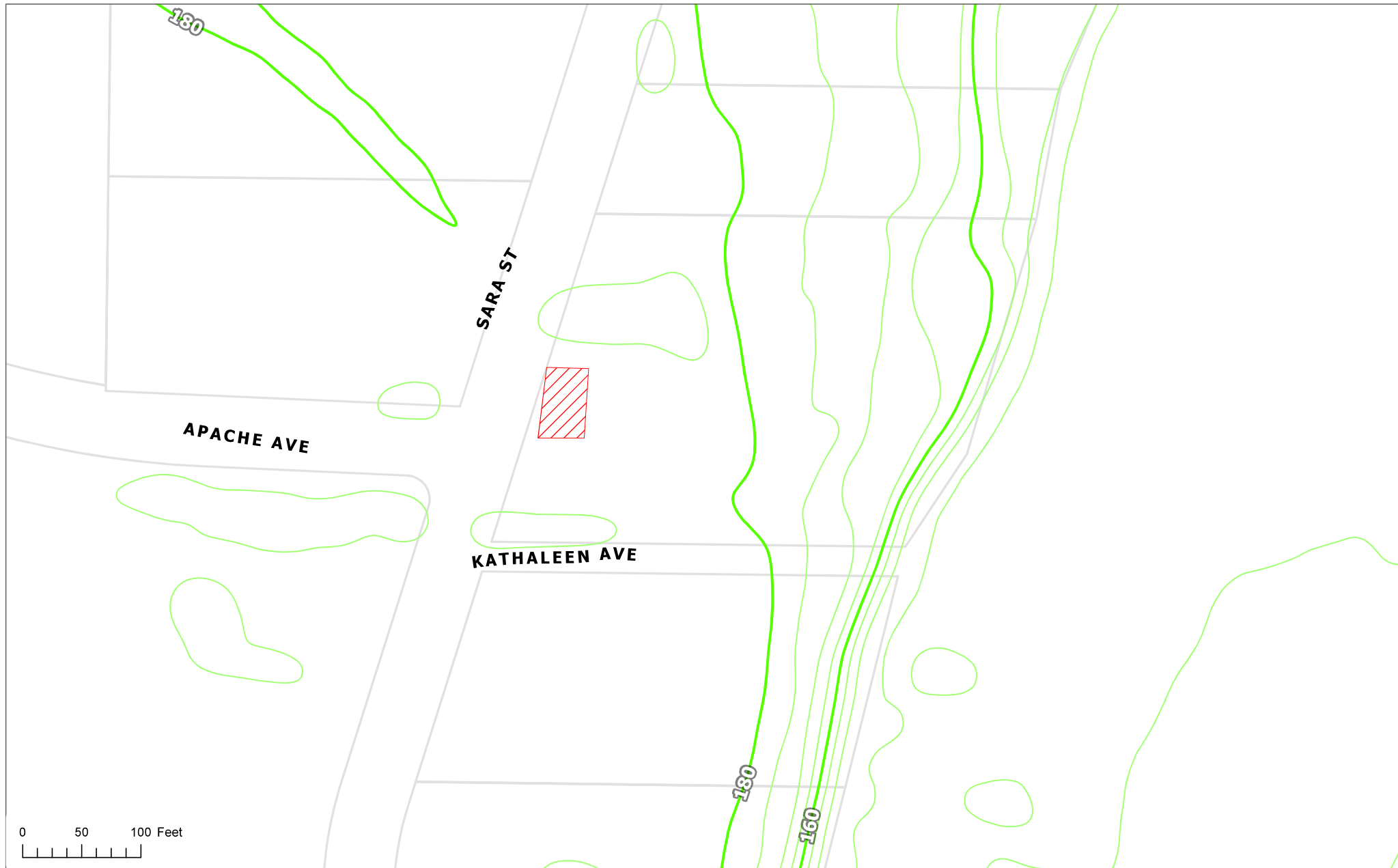
CORRECTIONS / EDITS

- Modify the note on the as-built to include the carport distance into the building setback.

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



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.

KPB GIS Imagery



05/13/2021

KPB GIS Imagery Sara Street Constructed Width



05/13/2021

Structure distance from Sara Street



05/13/2021

MTP

Group Survey 1117, approved 7/18/2011, affects
patented Lds W/1 section(s) 8



WARNING:
This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

			Acq	ACAD
CURRENT TO		Sew Mer		
4-16-2019		T 5 N		
		R 8 W		

ACAD

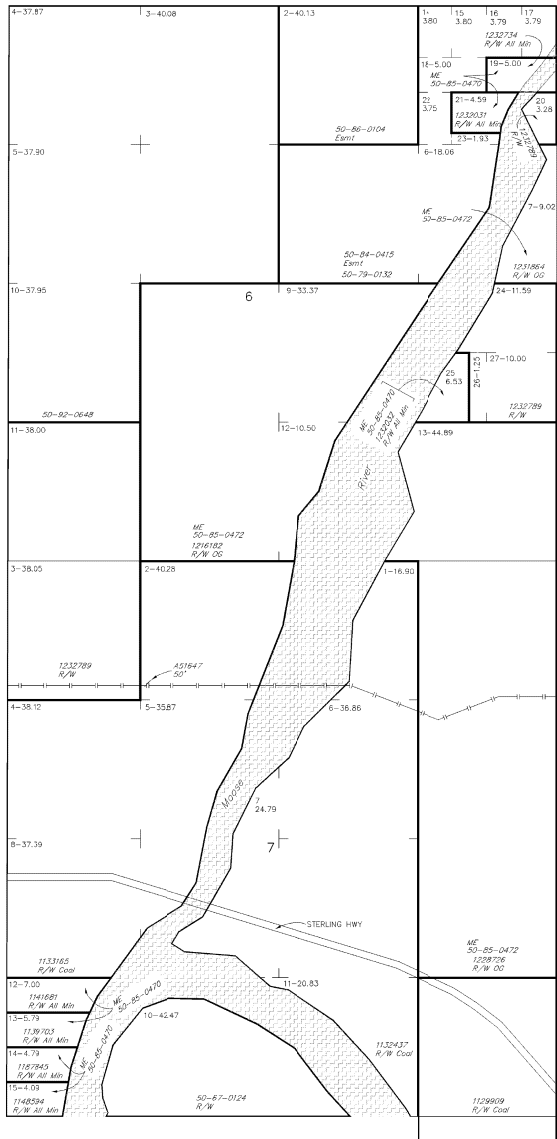
SURVEYED TOWNSHIP 5 NORTH RANGE 8 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL SECS 6 & 7

NO 1
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

A058731 SS Reserved Min Estate Only



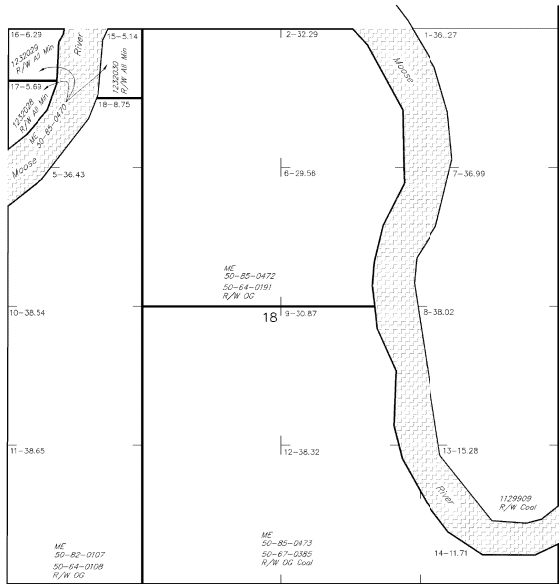
SCALE in chains
5 0 5 10 20

WARNING:
This plat is the Bureau's Record of Title, and should be used
only as a graphic display of the township survey data. Rec-
ords herein do not reflect title changes which may have been
effected by lateral movements of rivers or other bodies of water.
Refer to this cadastral survey for official survey information.

CURRENT TO		NO 1
5-9-2007		Sew Mer
		T 5 N
		R 8 W

ACAD

SURVEYED TOWNSHIP 5 NORTH RANGE 8 WEST OF THE SEWARD MERIDIAN, ALASKA

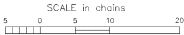


STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL SEC 18

No. 2
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

A058731 SS Reserved Min Estate Only



WARNING:
This plot is the Bureau's Record of Title, and should be used
only as a graphic display of the township survey data. Rec-
ords herein do not reflect title changes which may have been
effected by lateral movements of rivers or other bodies of water.
Refer to the cadastral surveys for official survey information.

CURRENT TO		NO 2	
5-9-2007		Sew Mer	5 N
		T	8 W
		R	ACAD

SURVEYED TOWNSHIP 5 NORTH, RANGE 8 WEST OF THE SEWARD MERIDIAN, ALASKA

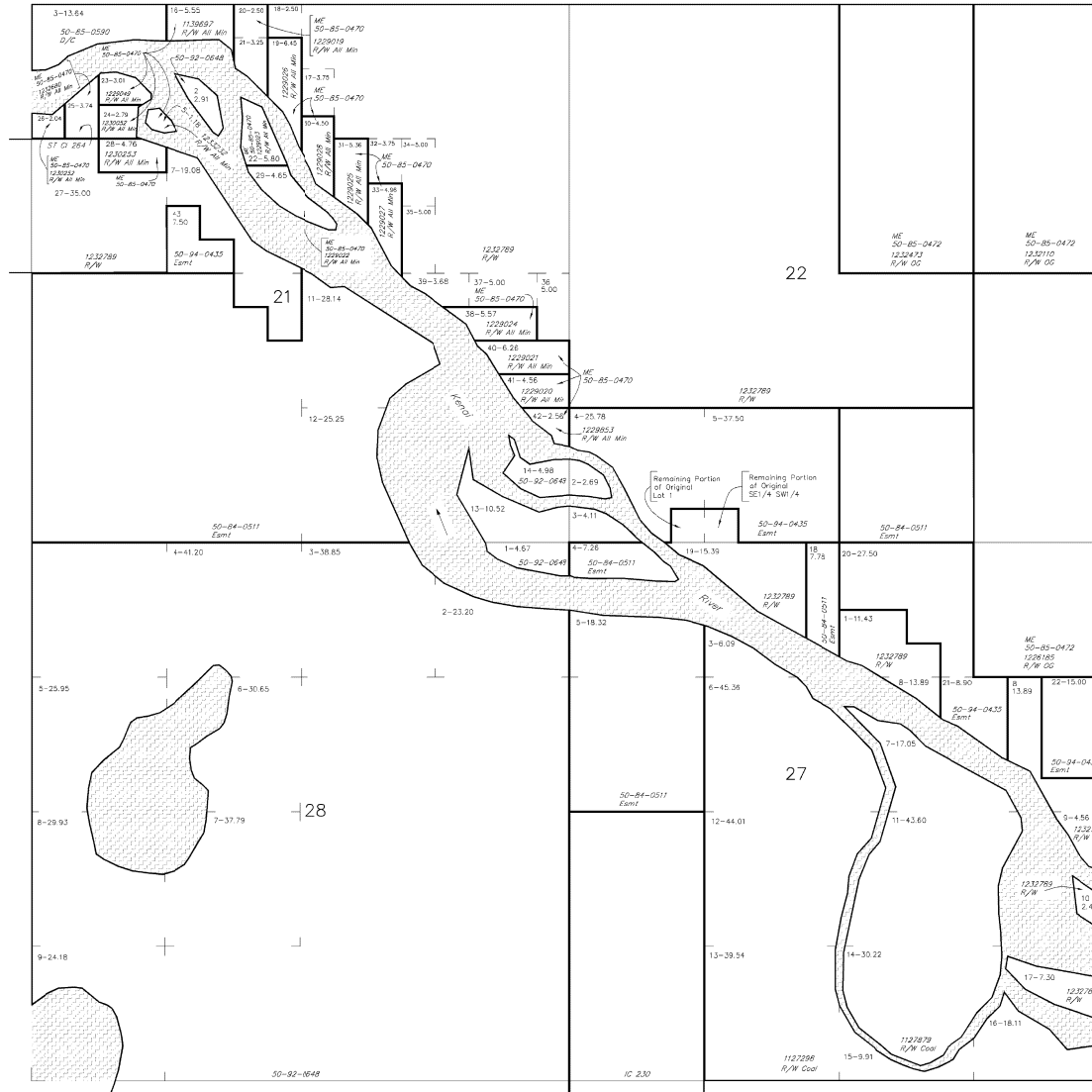
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP SUPPL SECS 21,22,27,28

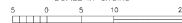
NO 3

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

AGS8731 SS Reserved Min Estate Only



SCALE in chains



WARNING:
This plat is the Bureau's Record of Title, and should be used
only as a graphic display of the township survey data. Rec-
ords shown do not reflect title changes which may have been
effected by lateral movements of rivers or other bodies of water.
Refer to the colonial surveys for official survey information.

CURRENT TO		NO 3
5-29-2019		Sew Mer
		T 5 N
		R 8 W

ACAD

SURVEYED TOWNSHIP 5 NORTH RANGE 8 WEST OF THE SEWARD MERIDIAN, ALASKA

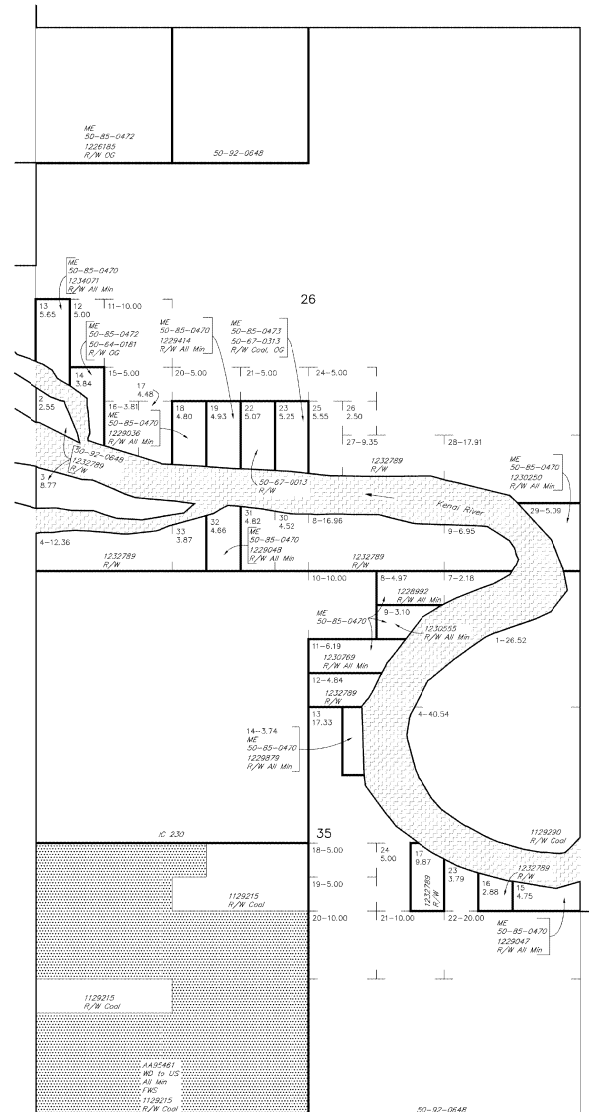
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

**MTP
SUPPL SEC 26, 35**

NO 4

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

A058731 SS Reserved Min Estate Only



SCALE in chains
0 5 10 20

WARNING:
This plat is the Bureau's Record of Title, and should be used
only as a graphic display of the township survey data. Rec-
ords herein do not reflect title changes which may have been
effected by lateral movements of rivers or other bodies of water.
Refer to the cadastral surveys for official survey information.

CURRENT TO		Acq NO 4
6-4-2024		Saw Mer
		T. 5 N
		R. 8 W

ACAD

SURVEYED TOWNSHIP 5 NORTH, RANGE 8 WEST OF THE SEWARD MERIDIAN, ALASKA

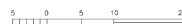
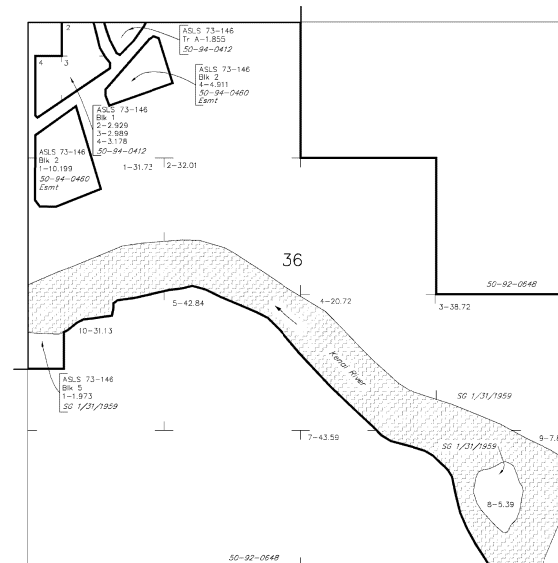
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP SUPPL SEC,36

NO 5

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

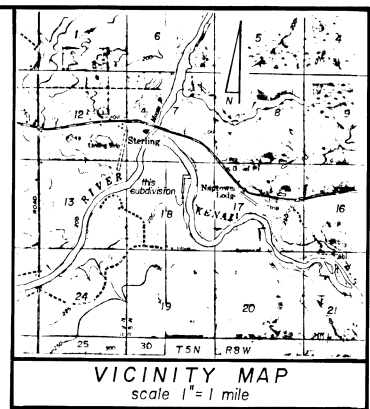
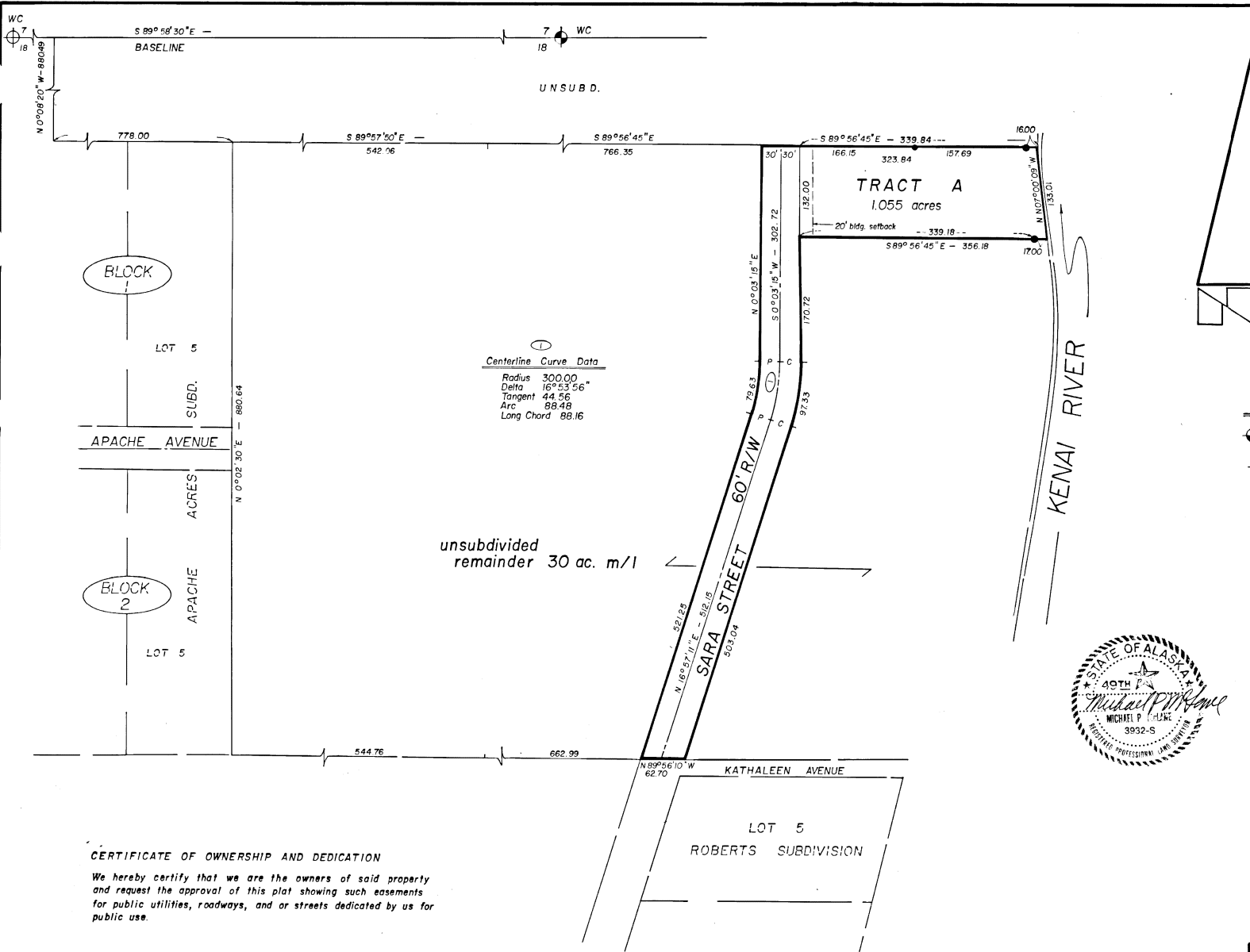
AGS8731 SS Reserved Min Estate Only



WARNING:
This plat is the Bureau's Record of Title, and should be used
only as a graphic display of the township survey data. Rec-
order errors do not reflect this change which may have been
affected by lateral movements of rivers or other bodies of water.
Refer to the cadastral surveys for official survey information.

CURRENT TO		NO 5
9-29-2015		Sew Mer
		T 5 N
		R 8 W

ACAD



LEGEND and NOTES

- Found GLO brass cap monument
- Found 1/2" x 24" steel rebar
- Set 1/2" x 24" steel rebar at all lot corners

All bearings refer to the north boundary of Section 18 as being S 89°58'30"E data of record, Roberts Subdivision K 75 - 134.

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

All wastewater disposal and treatment systems shall comply with existing law at the 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.

Ruth Knorr



NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn before me this 10th day of July, 1977.
My commission expires 9-15-81.
Rebecca B. A.
notary public for Alaska

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 21, 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: *Philip Williams*

79-157
RECORDED - FILED 300
Kenai, AK. DIST.
DATE 9-21 1977
TIME 4:03 P.M.
Requested by KPB
Address _____

APACHE ACRES SUBDIVISION PART TWO		
RUTH KNORR, owner BOX 1163 Soldotna, Ak. 99669		
LOCATION		
2.299 ACRES SITUATED IN THE E 1/2 NW 1/4 AND GOV'T LOTS 2 AND 6 SECTION 18 T5N R8W S.M. ALASKA AND IN THE KENAI PENINSULA BOROUGH.		
Surveyed by <u>McLANE and ASSOCIATES, Inc.</u> Box 468 Soldotna, Ak. 99669		
DATE OF SURVEY 10-20-77	SCALE 1" = 100'	BK. NO. 76-07

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-27
KENAI RECORDING DISTRICT**

**A RESOLUTION GRANTING A BUILDING SETBACK ENCROACHMENT PERMIT
TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK GRANTED BY
PLAT KN 79-157 FOR THAT PORTION OF THE NORTH 440 FEET OF
GOVERNMENT LOT 6, LYING EAST OF SARA STREET, EXCEPT APACHE ACRES
SUBDIVISION PART SIX, WITHIN THE NE ¼, S18, T05N, R08W; SEWARD
MERIDIAN, ALASKA, KENAI PENINSULA BOROUGH; KPB FILE NO. 2025-153**

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, John Robert Stevens of Erina, New South Wales, Australia, requested a building setback encroachment permit to the twenty-foot building setback required by Apache Acres Subdivision Part Two 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 that portion of the North 440 feet of Government Lot 6, Lying East of Sara Street, Except Apache Acres Subdivision Part Six, within the NE ¼ Sec18 T05N R08W is hereby granted to accommodate only the encroaching portion of the shop and carport based upon the following findings of fact:

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

1. The existing constructed road is off center so that there is more than usual distance to it.
8. The encroaching structures are approximately 61.9-feet from the constructed portion of Sara Street.
9. Trees and a clearing separate the driving surface of Sara St from the structure.

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

1. The existing constructed road is off center so that there is more than usual distance to it.
8. The encroaching structures are approximately 61.9-feet from the constructed portion of Sara Street.
9. Trees and a clearing separate the driving surface of Sara St from the structure.

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

1. The existing constructed road is off center so that there is more than usual distance to it.
8. The encroaching structures are approximately 61.9-feet from the constructed portion of Sara Street.
9. Trees and a clearing separate the driving surface of Sara St from the structure.

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

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