

E. NEW BUSINESS

1. Building Setback Encroachment Permit; KPB File 2024-094

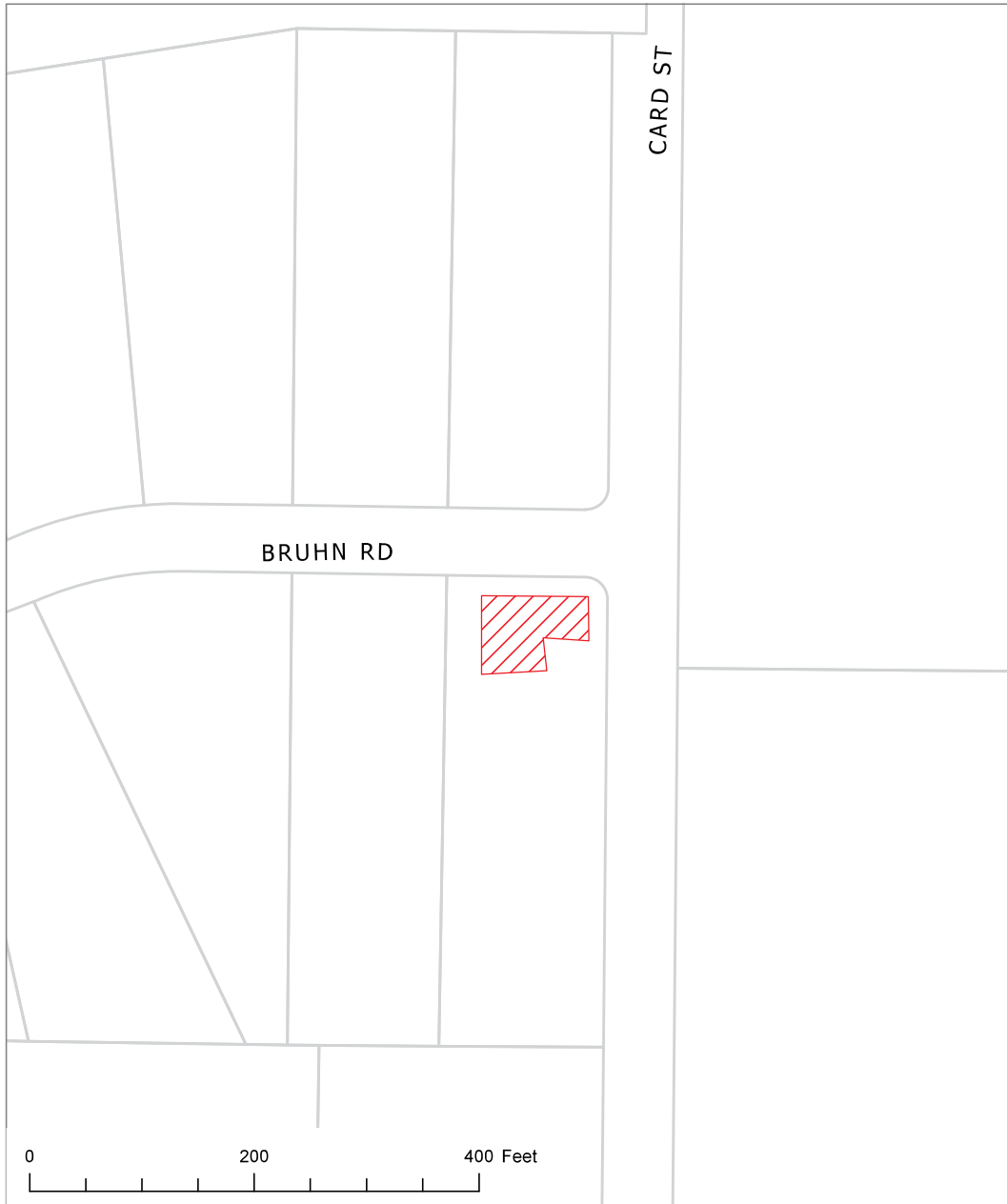
No Surveyor / Strausbaugh

Request: To permit a house & garage to remain in the 20' building

Setback on Lot 2, Block 1, Bruhn Sub., KN 86-143

Location: Bruhn Road & Card Street

Sterling Area



KPB File 2024-094
T 05N R 08W SEC 14
Sterling



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.

CERTIFICATION :

I HEREBY CERTIFY THAT I HAVE SURVEYED THE LOCATION OF THE IMPROVEMENTS ON LOT-2 BLOCK-1 OF BRUHN SUBDIVISION PLAT NO. 86-143 K. R. D. AK.

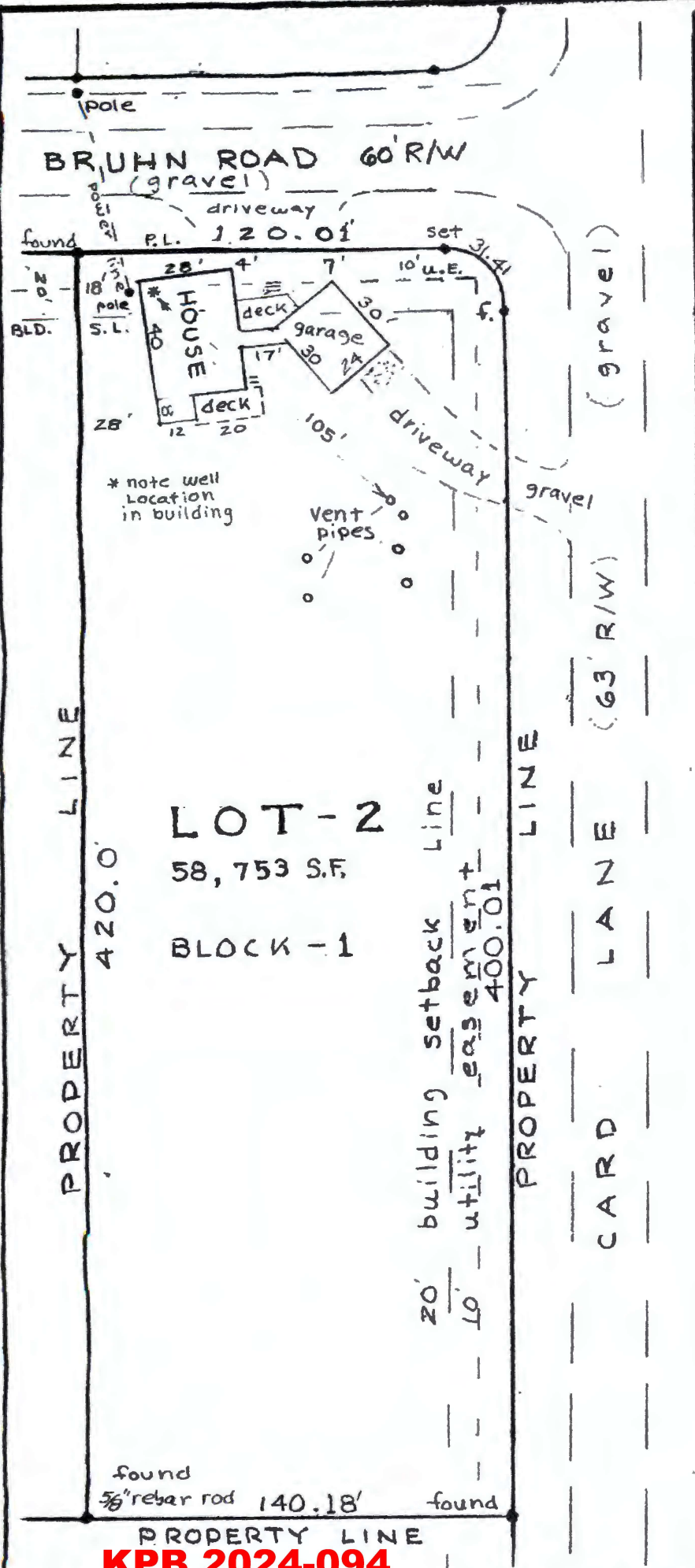
1. SAID IMPROVEMENTS ARE WITHIN THE PROPERTY LINES AS SHOWN HEREON.
2. NO IMPROVEMENTS ON THE ADJOINING PROPERTY ENCROACH ON LOT-2.
3. NO ROADWAYS, TRANSMISSION LINES, OR OTHER VISIBLE EVIDENCE OF EASEMENTS CROSS LOT-2.

AS-BUILT SURVEY BY:
 TERRY T EASTHAM
 PO BOX 2891
 SOLDOTNA, AK 99669
 SURVEYOR NO. 7629
 1-907-262-1951

April 25-2000
 Up-Date 5-16-2000



Scale: 1" = 50'



AGENDA ITEM E. NEW BUSINESS

ITEM #1 – BUILDING SETBACK ENCROACHMENT PERMIT
BRUHN SUBDIVISION LOT 2 BLOCK 1, KN86-143

KPB File No.	2024-094
Planning Commission Meeting:	September 23, 2024
Applicant / Owner:	Kurt and Tammy Strausbaugh / Sterling, AK
Surveyor:	None
General Location:	Bruhn Rd and Card St in Sterling area

Parent Parcel No.:	065-164-18
Legal Description:	BRUHN SUB LOT 2 BLK 1
Assessing Use:	Residential
Zoning:	Rural Unrestricted
PC Resolution	2024-14

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Request for Building Setback Encroachment Permit is for the future selling of the home.

Site Investigation:

There are four structures located on Lot 2 Block 1 Bruhn Subdivision KN 86-143 per KPB GIS data. The asbuilt locates the two structures that are at issue with this building setback encroachment permit request and the only concern at this time. The structures appear to be connected by a breezeway, the house is shown to be 16 feet into the building setback and the garage is shown to be 13 feet in to the building setback. Also noted on the asbuilt is the well, inside the house structure, which is also located inside the building setback line.

No future improvements have been indicated by the applicants, but any improvements completed will need to b in compliance with and behind the 20 foot building setback line.

Bruhn Rd is a 60 foot dedication with the road being constructed as shown on the asbuilt. Card St is a 63 foot dedication being constructed and maintained by the Kenai Peninsula Borough, also shown on the asbuilt.

The building setback encroachments do not appear to be causing any sight distance issues. The Roads Department had no comment on the issue in the review sent to the department.

Staff Analysis:

The plat Bruhn Subdivision KN 86-143, was created out of a portion of the SE1/4 of Section 14, Township 5 North, Range 8 West SM Kenai Recording District, Kenai Peninsula Borough, Alaska. Bruhn Subdivision KN 86-143. Bruhn Subdivision was recorded on June 27, 1986 in the Kenai Recording District and created 19 lots in 2 blocks. Eighteen of the lots were along the 60 foot dedication of Bruhn Road. The plat noted a 20 foot setback from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission. There is no record of such resolution being approved.

According to the KPB Assessing Info as shown on their website, the first dwelling on Lot 2 Block 1 Bruhn Subdivision was built in 1987.

The terrain on the lot is sloping to the south, with the house sitting near a steep portion and the back part of the lot being more gradual of a slope.

With Bruhn Road being on the high side of the terrain this makes sight issues low as the road remains higher. Traffic is minimal as Bruhn Road is currently a dead end and has only three residences past the Strausbaugh residence. The traveled road ends 4 lots shy of the end of the subdivision lots.

Applicant Discussion:

Asbuilt survey attached, performed and signed by licensed surveyor in 2000.

Applicant Findings:

Staff Findings:

1. Bruhn Subdivision KN 86-143 dedicated Bruhn Rd a 60 foot right-of-way.
2. Bruhn Subdivision KN 86-143 created the 20-foot building setbacks from all street right-of-ways
3. The structures do not interfere with line of site issues around the corner.
4. Bruhn Rd is not Borough maintained.
5. Of the two structures the house is closes and leaves 4-feet of the setback open.
6. Bruhn Rd serves four properties along it.
- 7.

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 2,3,6 appear to support this standard.

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

Findings 3,5, & 6 appear to support this standard.

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

Findings 3,4,6 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: No RSA comments or objections.
SOA DOT comments	No comment on this setback issue.
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area

	<p>Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
State of Alaska Fish and Game	
Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 29021 BRUHN RD</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: BRUHN RD, CARD ST</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: This was brought to KPB by the owners, by their own accord, to attempt to resolve the violation. The owners were interested in obtaining a setback exception. Staff is in support of the exception. If not granted owners will need to seek alternative solutions.</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>
Advisory Planning Commission	

Utility provider review:

HEA	No objection to the house and garage encroachment within the ten (10) foot utility easement.
ENSTAR	
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2024-14, subject to compliance with KPB 20.10.110 sections F and G.

OR (use conditions to return with new as-built)

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 2000 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 to be used as an exhibit drawing prepared, signed, and sealed by a licensed land surveyor (completed and signed within 90 days of filing).
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 ninety days approval will result in a new application, hearing, and approval.
6. Additional encroachments found on the new as-built will require a new hearing.

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 2024-14
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 2 BLOCK 1, BRUHN SUBDIVISION (KN 0860143); IN NE 1/4 S14, T05N, R08W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2024-094

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, Kurt A and Tammy J Strausbaugh of Sterling, AK requested a building setback encroachment permit to the 20-foot building setback granted by Bruhn Subdivision (KN 0860143); 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 23, 2024, 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 0860143 Lot 2 Block 1 is hereby excepted to accommodate only the encroaching portion of the house and 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 _____, 2024.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST: _____
Ann Shirmberg,
Administrative Assistant

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



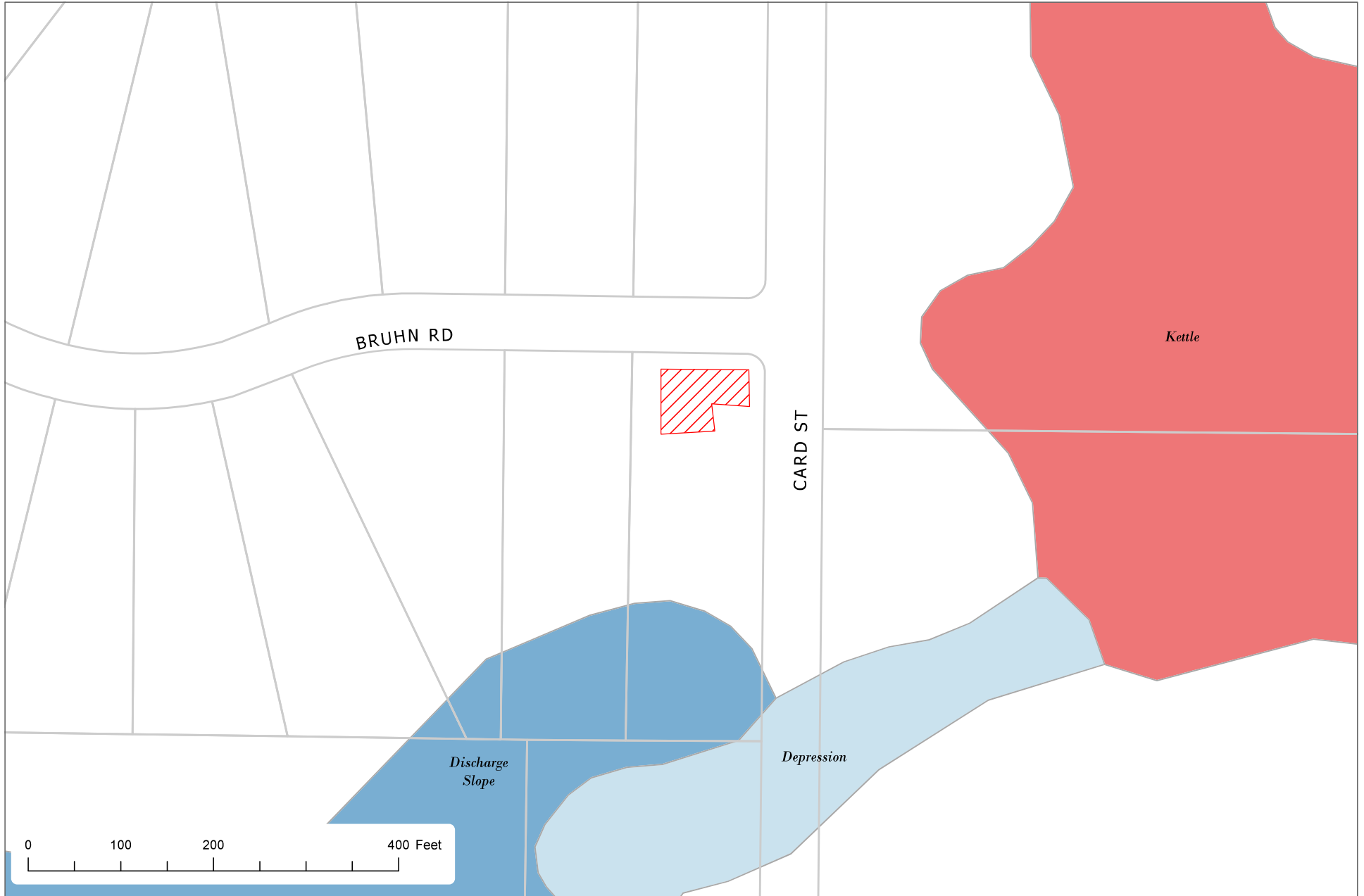
Aerial Map



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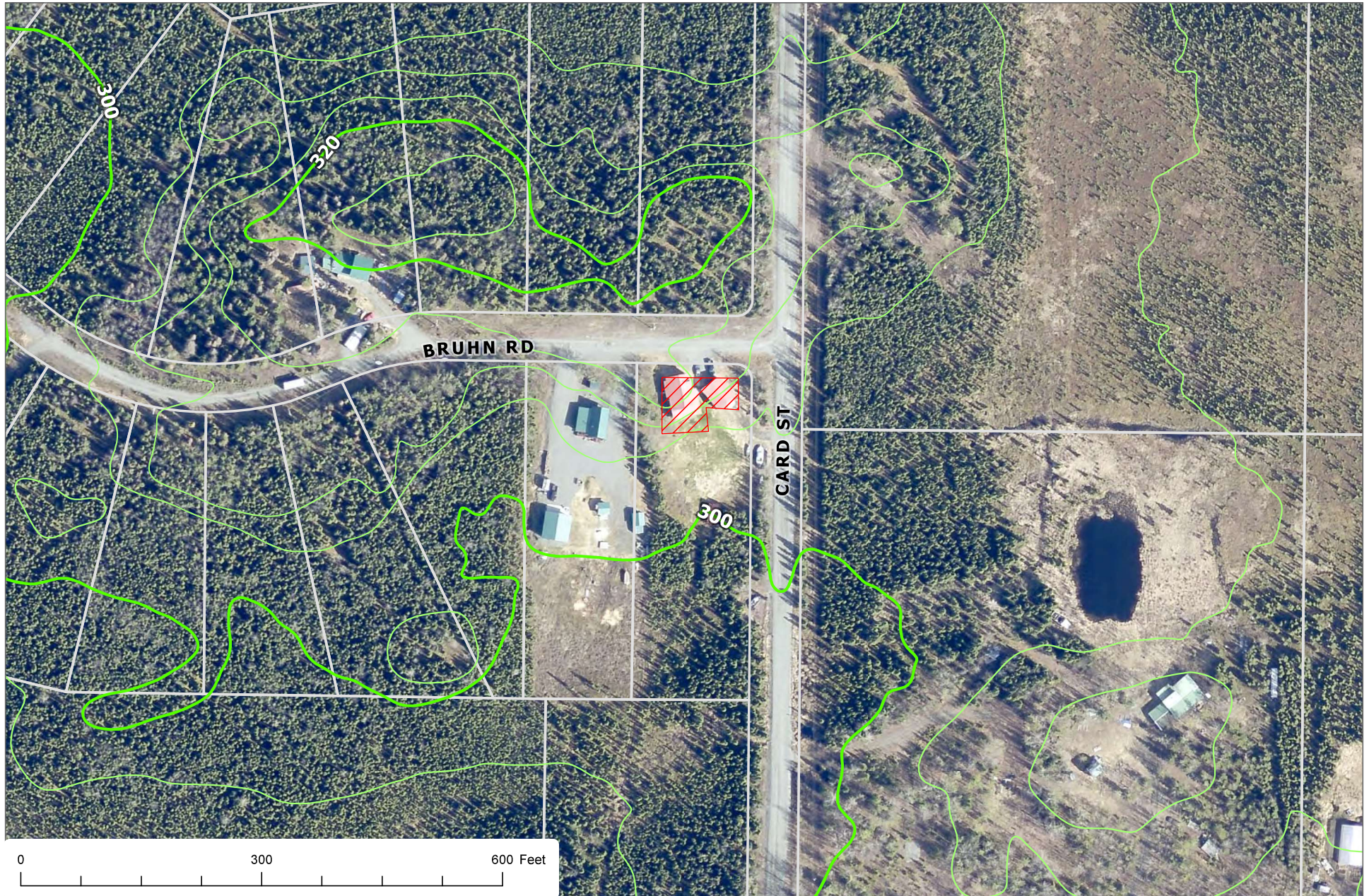
Wetlands



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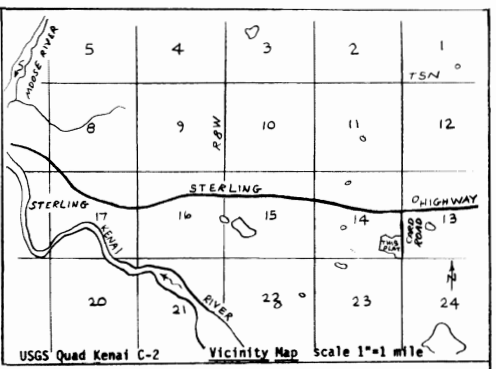
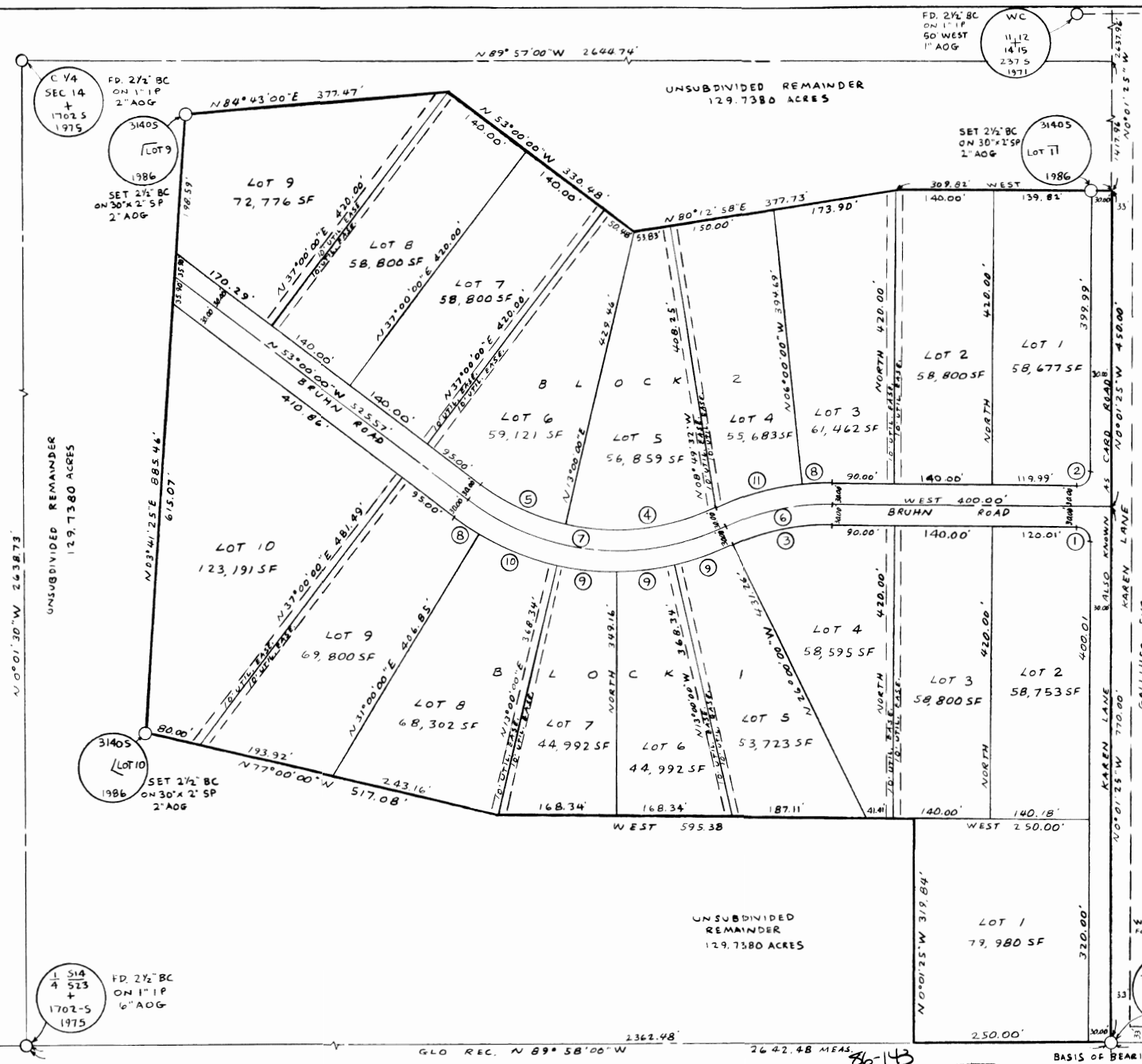


Aerial with 5-foot Contours



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KN 86-143



Certificate of Ownership and Dedication
 We hereby certify that we are the owner of the property shown and described hereon and that we hereby adopt this plan of subdivision and dedicate all rights of way to public use and grant the easements for utility use.
 Bert and Blanche Bruhn, 1529 Juneau St., Anchorage Alaska 99501
 Notary's Acknowledgement: Subscribed and sworn to before me this 14th day of June, 1986
 by Bert and Blanche Bruhn
 Notary Public for Alaska
 my commission expires December 27, 1986.

Plat Approval
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of February 10, 1986.
 Kenai Peninsula Borough
 by Richard D. Truog
 Authorized Official

Approval Certificate by Alaska Environmental Conservation Dept.
 This subdivision has been reviewed in accordance with 18AAC72.065 and is approved, subject to any noted restrictions.
 (title) June 13, 1986

- Notes**
1. Building Setback: a setback of 20 feet is required from all street rights of way unless a lesser standard is approved by resolution of the appropriate planning commission.
 2. Easements: the front 10 feet of the building setback shall also be a utility easement.
 3. 30" #5 rebars were set at all corners.
 4. Soils on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, maintain, or operate a pressurized water system or a waterborne waste disposal system unless approval of the Alaska Department of Environmental Conservation is obtained.

curve data

No.	radius	angle	tangent	length
1	20.00'	89°58'35"	19.99'	31.41'
2	20.00'	90°01'25"	20.01'	31.42'
3	320.00'	26°00'00"	73.88'	145.21'
4	320.00'	39°00'00"	113.32'	217.82'
5	320.00'	24°00'00"	68.02'	134.04'
6	350.00'	26°00'00"	80.80'	158.82'
7	350.00'	63°00'00"	214.48'	384.85'
8	380.00'	6°00'00"	19.91'	39.79'
9	380.00'	13°00'00"	43.30'	86.22'
10	380.00'	18°00'00"	60.19'	119.38'
11	380.00'	20°00'00"	67.00'	132.65'

WIT. MARKS: 28" 9" SSW TO COR. #4 G. POST
 30" 6" W TO E SIDE SLASH #8 G. SP.
 49" 8" NNW TO SE FACE GLASHED A. ALDER
 43" 6" SE TO NNW SIDE POWER POLE

GLO TSN RBW 513 524 523 524
 FD. 2 1/2" BC ON 1" IP BURIED B
 GLO 1/4 513 1/4 524
 1939

RECORDED FILED 20
 Kenai
 DATE 6/27/86
 TIME 3:36 P
 BY BUKUS



Basis of Bearing
 Bruhn Subdivision
 30,3804 acres; 19 lots
 A subdivision of a portion of SE1
 Section 14, TSN, RBW, Seward Meridian
 Kenai Recording District, Kenai Peninsula Borough, Alaska
 Bert & Blanche Bruhn, owners, 1529 Juneau St., Anchorage Ak. 99501
 Doug Stark, land surveyor, 957 Westbury Dr., Anchorage, Ak. 99503
 NPB File No. 86-034 sheet 1 of 1 scale 1"=100' June 30, 1986