



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-18
SEWARD RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR TRACT D-1, QUARTZ CREEK SUBDIVISION JAMES ADDITION (SW 0940011); IN NE 1/4 S36, T05N, R03W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2023-062

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, Jon James of Cooper Landing, AK requested a building setback encroachment permit to the 20-foot building setback granted by Quartz Creek Subdivision (SW 0940011); and

WHEREAS, per the petition; Persistent Way is undeveloped, encroachment has no effect on general public or local land use. Encroachment is shipping container storage structure; and

WHEREAS, the encroachment is 12.1 feet from the property line, putting it 7.9 feet into the setback. The southwest corner is 15.2 feet from the property line and 4.8 feet into the setback; and

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

WHEREAS, on Monday, July 17, 2023, 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. Approved a permit to allow only the encroaching portion of the connex shed that extends 7.9 feet at the most into the 20-foot setback adjoining the Persistent Way right-of-way on the south boundary Tract D1- Quartz Creek Subdivision James Addition SW 0940011.

Section 2. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.

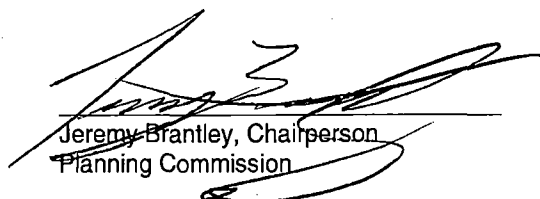
Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

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.

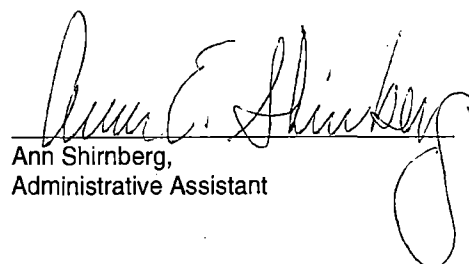
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

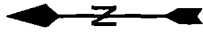
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 17TH DAY OF JULY, 2023.


Jeremy Brantley, Chairperson
Planning Commission

ATTEST:


Ann Shirnberg,
Administrative Assistant

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



NOTES

1. A TITLE REPORT WAS NOT PREPARED FOR THIS SURVEY. ADDITIONAL RECORDED AND UNRECORDED EASEMENTS MAY EXIST.
2. BUILDING DIMENSIONS ARE TO THE EAVE CORNERS.
3. BEARINGS AND DISTANCES ARE FROM FIELD MEASUREMENTS AND PLAT SW 2005-14.
4. ADDITIONAL STRUCTURES AND IMPROVEMENTS THAT DO NOT ENCR OACH THE BUILDING SETBACK LINE ARE NOT SHOWN ON THIS AS-BUILT.

LEGEND

- ⌵ FOUND 5/8" REBAR
- FOUND 2" ALUMINUM MONUMENT

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 05/10/2023.

Jason Schollenberg 05/15/2023

JASON L. SCHOLLENBERG DATE
PLS 14488-S

PENINSULA SURVEYING, LLC

10535 KATRINA BOULEVARD
NINILCHIK, AK 99639
(907)306-7065

AS-BUILT SURVEY
TRACT D-1, QUARTZ CREEK
SUBDIVISION JAMES ADDITION
NW1/4 SECTION 36, T5N, R3W, SM, AK

SCALE:
1" = 80'

DATE:
05/15/2023

DRAWN:
JLS

SHEET:
1 OF 1

