

AGENDA ITEM E. NEW BUSINESS

ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT
 LOT 2 BLOCK 1 NAFF SUBDIVISION PART 2

KPB File No.	2021-145
Planning Commission Meeting:	November 29, 2021
Applicant / Owner:	Ramona C. and Alexander N. Connors
Surveyor:	Mike Swan
General Location:	Tuffy Lane and Scout Lake Loop Road / Sterling

Parent Parcel No.:	063-880-02
Legal Description:	Lot 2 Block 1 Naff Subdivision Part Two (KN 84-275)
Assessing Use:	Residential
Zoning:	Rural Unrestricted

STAFF REPORT

Specific Request / Purpose as stated in the petition:

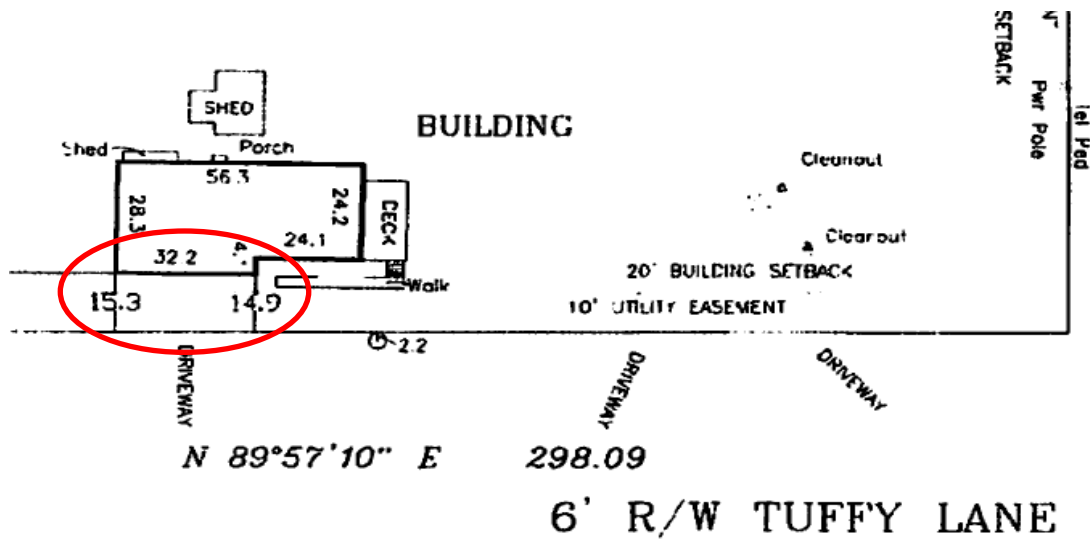
Garage was built approximately 6 years ago by Marvin Shrock Builders. Garage was and is more than 30 feet from the driving or existing road and we never realized we were that close to the right of way.

Site Investigation: Per the as-built, a portion of the garage is within the 20 foot building setback adjoining Tuffy Lane. The structure encroachment varies from 4.7 feet to 5.1 feet into the 20 foot building setback.

The lot is within the Naff Subdivision Part Two, Plat KN 84-275.

Lot 2 Block 1 is located on the corner of Scout Lake Loop Road and Tuffy Lane. Scout Lake Loop Road is a state maintained right of way. Tuffy Lane is constructed but not currently maintained.

The encroachment is within the 20 foot building setback along Tuffy Lane as established by Plat KN 84-275. No improvements are located within the 20 foot building setback adjoining Scout Lake Loop Road. The structure appears to be approximately 186 feet from the intersection of Scout Lake Loop Road and Tuffy Lane.



Staff Analysis: The lot is within Naff Subdivision Part Two, Plat KN 84-275 and is located in the Sterling area. The lot is not within an Advisory Planning Commission boundary.

The building setback was in effect with the recording of Naff Subdivision Part Two in 1984. Per KPB Assessing information, a dwelling was constructed in 2010. Per the application, a garage was added on about six years ago. The garage portion is within the 20 foot building setback. The application states the owners were using the constructed roadway to determine the location for the building addition.

The area is relatively flat and low wet areas are not present on the property. The encroachment is nearly parallel to the right of way and does not appear to affect the line of sight on Tuffy Lane roadway. Tuffy Lane is not currently maintained.

The intersection with Scout Lake Loop Road is approximately 186 feet from the structure and does not affect any setback, line of sight, or maintenance with Scout Lake Loop Road.

Notice was mailed to 36 landowners within 600 feet of the subject lot.

Findings:

1. The garage is located from 4.7 feet to 5.1 feet within the platted 20 foot building setback.
2. Tuffy Lane is a 60 foot wide right of way.
3. Tuffy Lane is partially constructed.
4. Tuffy Lane is not maintained.
5. The portion of Tuffy Lane adjoining Lot 2 Block 1 is straight and slightly curves to the south as the right of way extends to the west.
6. Scout Lake Loop Road is approximately 186 feet east from the building encroachment.
7. The location of the building encroachment does not appear to affect the line of sight on Tuffy Lane.
8. Utilities have been installed in the area.
9. The structure is not within the 10 foot utility easements.
10. KPB Roads Department has no objection to the granting of a building setback encroachment permit.
11. Recent aerial imagery shows room for vehicles to park between the building and roadway.
12. A portion of the building would need to be removed to comply with the 20 foot building setback.

20.10.110. – Building setback encroachment permits.

E. The following standards shall be considered for all building setback encroachment permit applications:

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

Findings 4, 5, 7, 8, 9, 10, 11 appear to support this standard.

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

Findings 4, 5, 7, 8, 9, 10, 11 appear to support this standard.

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

Findings 4, 5, 7, 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	No objection at this time.
SOA DOT comments	No comment
Code Compliance – Eric Ogren	No comment

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2021-35, subject to compliance with KPB 20.10.110 sections F and G.

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