



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2024-21  
SEWARD RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 5A, CLAN MAXWELL ESTATES AVALON HEIGHTS ADDITION #4 (SW 2018005); IN NE 1/4 S22, T01N, R01W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2024-127

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, Nickole D Lyon and David F Lyon Jr. of Seward, AK requested a building setback encroachment permit to the 20-foot building setback granted by Clan Maxwell Estates Avalon Heights Addition #4 (SW 2018005); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, December 16, 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 SW 2018005 Lot 5A is hereby excepted to accommodate only the encroaching portion of the house.

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

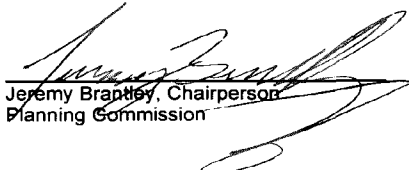
Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

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.

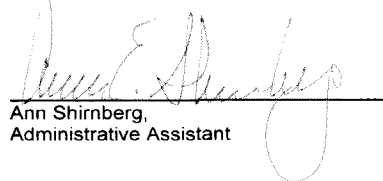
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

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

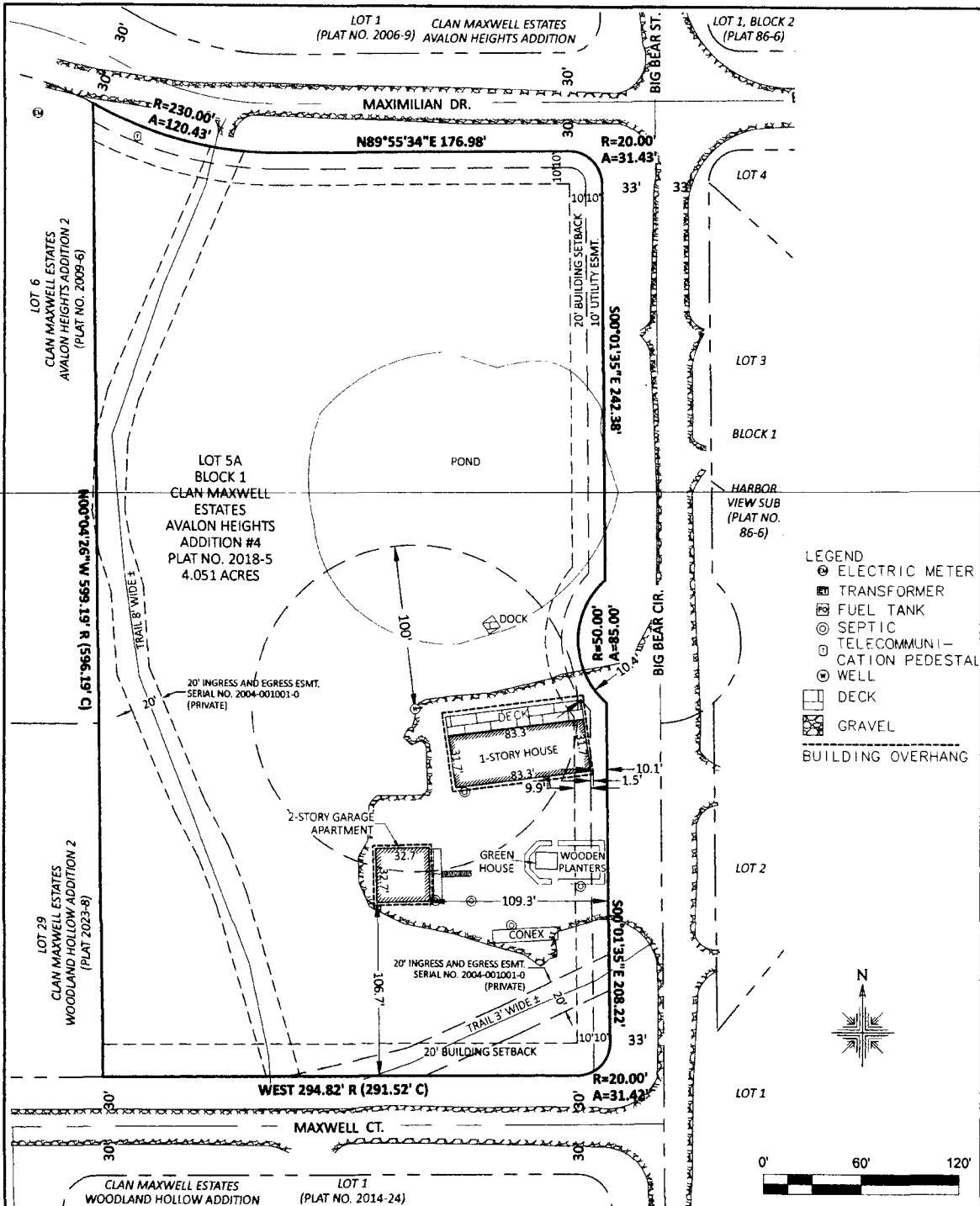
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 16<sup>TH</sup> DAY OF DECEMBER, 2024.

  
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. LOT DIMENSIONS ARE RECORD PER PLAT 2018-5. NO CORNERS SET THIS SURVEY.
2. CALCULATED DISTANCES WERE HELD DUE TO A 3'-FOOT MISCLASURE PER THE PLATS RECORD DISTANCES.
3. IT IS THE OWNERS RESPONSIBILITY TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.
4. THE ONE-STORY HOUSE IS MEASURED TO THE FOUNDATION. THE 2-STORY GARAGE APARTMENT WAS MEASURED TO THE TRIM.
5. FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO RIGHTS-OF-WAY AND ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
6. THE ONE-STORY BUILDING ENCLOSED 9.9 FEET INTO THE 20 FOOT BUILDING SETBACK PER PLAT 2018-5. KENAI PENINSULA BOROUGH PLANNING COMMISSION GRANTED APPROVAL OF THE REFERENCED BUILDING SETBACK ENCROACHMENT PERMIT VIA RESOLUTION 2024-21 ON DECEMBER 16, 2024.
7. ROOF EAVE EXTENDS 1.5' INTO 10' UTILITY EASEMENT.



I HEREBY CERTIFY THAT I HAVE PERFORMED A SURVEY OF THE FOLLOWING DESCRIBED PROPERTY:  
 LOT 5A, CLAN MAXWELL ESTATES AVALON HEIGHTS ADDITION #4  
 LOCATED WITHIN THE SEWARD RECORDING DISTRICT, ALASKA, AND THAT THE VISIBLE IMPROVEMENTS SITUATED THEREON ARE WITHIN THE PROPERTY LINES AND NO VISIBLE ENCROACHMENTS EXIST OTHER THAN NOTED. DATED AT ANCHORAGE, ALASKA THIS 26TH DAY OF FEBRUARY 2025.

AS-BUILT		
PROJECT NO. 1469	DATE OF FIELD SURVEY FEBRUARY 13, 2025	PO BOX 110485 ANCHORAGE, AK 99511 aklands@aklands.com (907) 744-LAND https://aklands.com
DRAWN BY SMW	FIELD BK. AND PG. 10/58-59, 13-11	