

# **E. NEW BUSINESS**

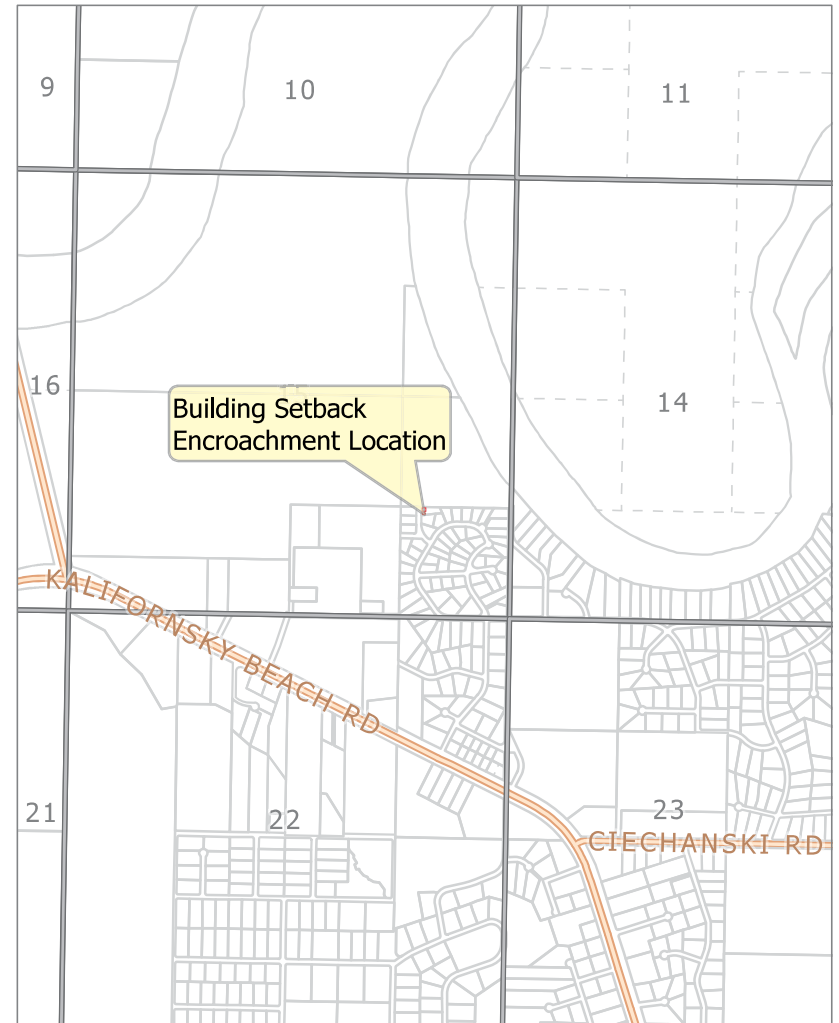
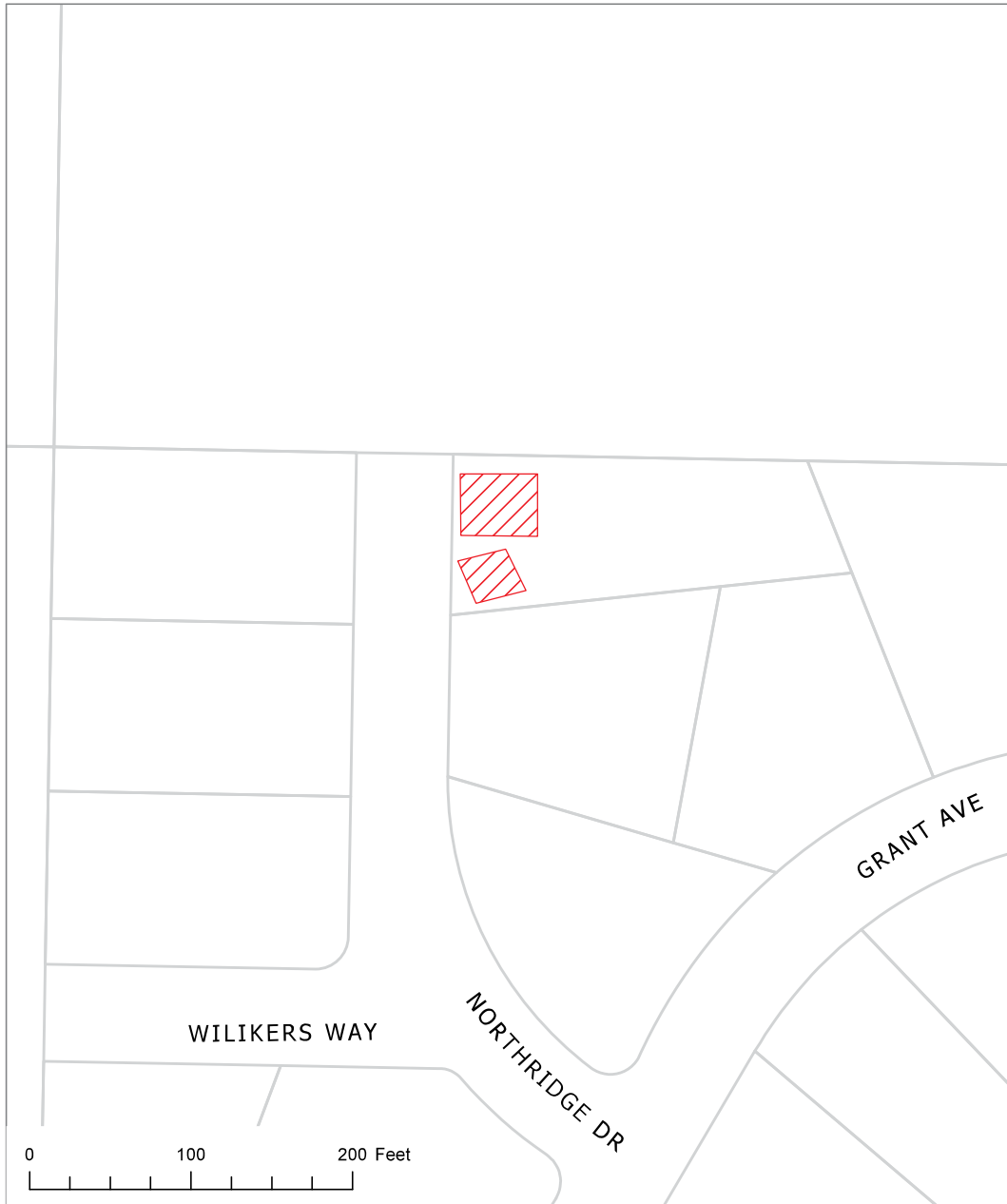
## **1. Building Setback Encroachment Permit**

**KPB File 2024-102PC Resolution 2024-16**

**Segesser Surveys / Milliron**

**Request: Permits a portion of a shed to remain within the 20' setback & allows for the construction of a 32' x 36' garage within the same setback on Lot 1, Block 5 on Willow Brook North Addition, Plat KN 98-42**

**Location: Northridge Drive, Kalifornsky Area**

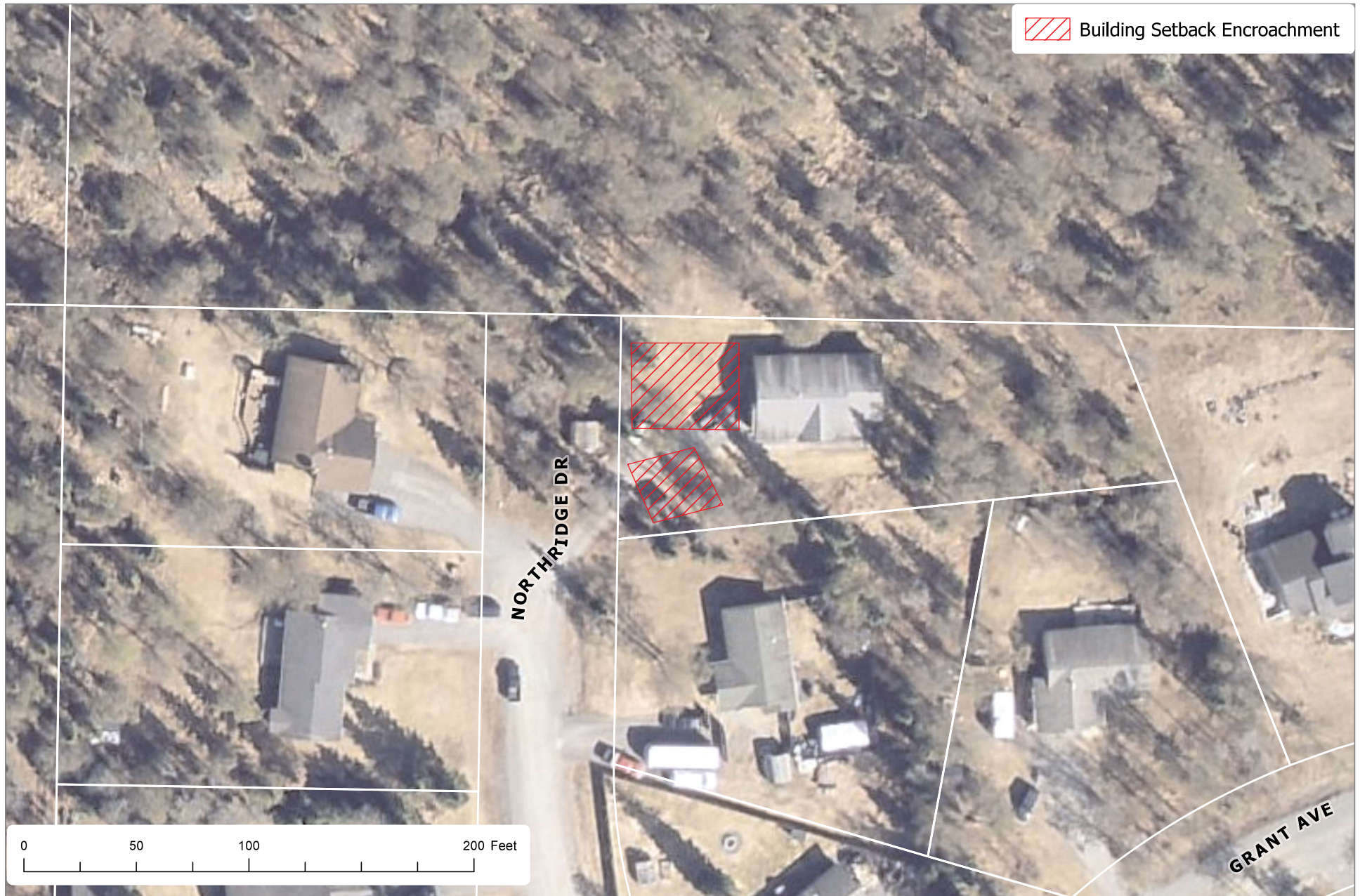


KPB File 2024-102  
T 05N R 11W SEC 15  
Kalifornsky

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.

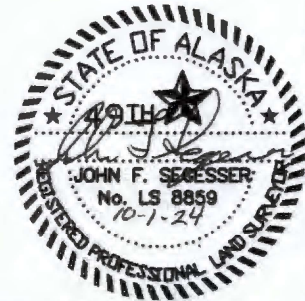
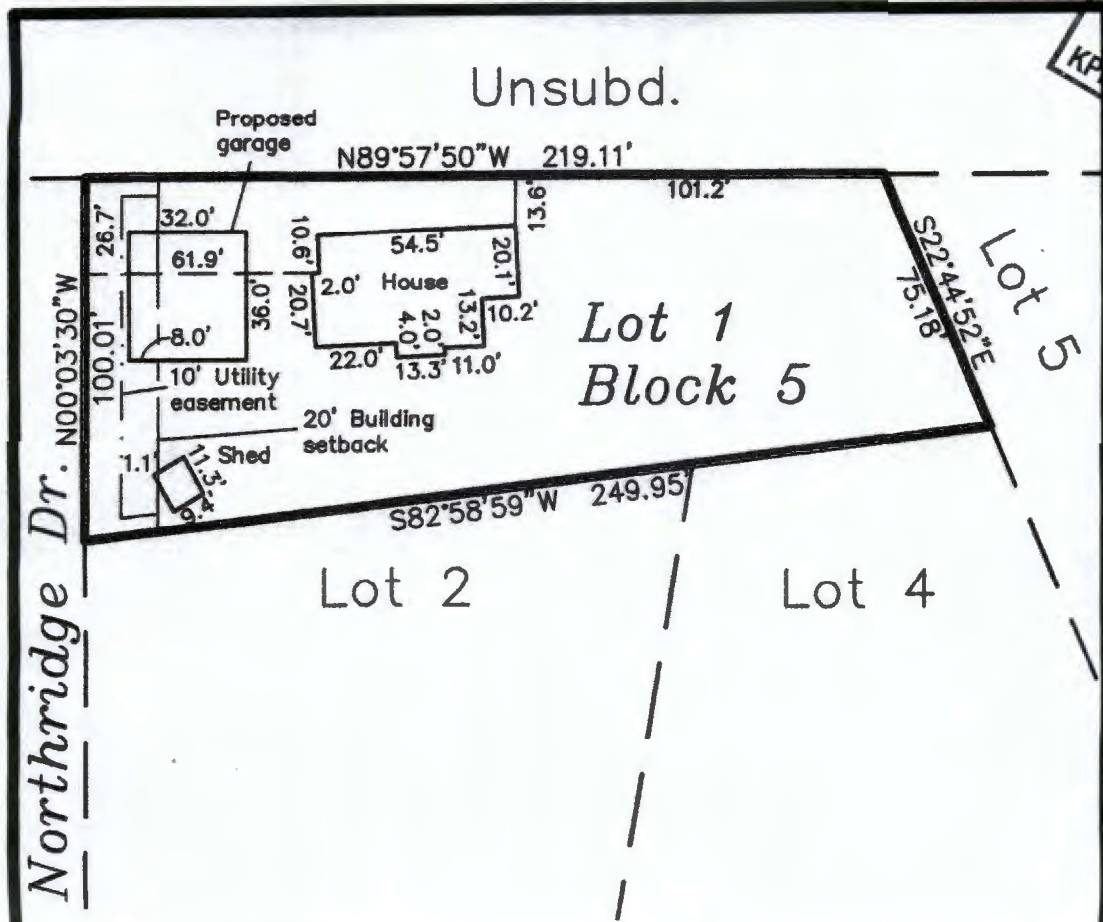


Aerial Map



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.

RECEIVED  
 OCT 03 2024  
 KPB PLANNING DEPT.



ASBUILT CERTIFICATION

LEGEND

● Found Rebar

I hereby certify that I have surveyed the following described property:

Lot 1 Block 5

Willow Brook North Addition

and that no encroachments exist except as indicated.

Exclusion Note:

It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.

KENAI RECORDING DISTRICT		Plat: 98-42
Date: 10-1-24	Scale: 1"=50'	Drawn: JFS
Job: 24174	Book: 24-2	

**SEGESSER SURVEYS**  
 30485 ROSLAND ST.  
 SOLDOTNA, AK 99669  
 (907) 262-3909

AGENDA ITEM E. NEW BUSINESS

**ITEM #1. – BUILDING SETBACK ENCROACHMENT PERMIT  
WILLOW BROOK NORTH ADDITION LOT 1 BLOCK 5**

<b>KPB File No.</b>	2024-102
<b>Planning Commission Meeting:</b>	October 28, 2024
<b>Applicant / Owner:</b>	Steve & Randy Milliron / Soldotna
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	North of Kalifornsky Beach Rd off of Even Ln

<b>Parent Parcel No.:</b>	055-041-19
<b>Legal Description:</b>	Lot 1 Block 5 Willow Brook North Addition KN 98-42
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted
<b>Resolution</b>	2024-16

---

**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:**

The existing right-of-way on the west side of the property is wooded land between the end of the Northridge Dr. and State Park land. The purpose for “building setback” does not apply to this section of the right-of-way.

**Site Investigation:**

There is an existing house and shed on the property. The shed is shown on the as-built as encroaching into the 20’ building setback line. The shed is 1.1’ into the building setback line.

There is a proposed garage shown encroaching across the building setback line. No distance across is given, but it looks to be approximately 9 feet into the building setback as it does not touch the 10’ utility easement.

According to KPB GIS data Northridge Dr stops at the south edge of Lot 1 Block 5. At the south edge of Lot 1 Block 5 and Lot 1 Block 7 across the street the road stops and continues as driveways into the respective properties. It appears borough maintenance stops with the road. No traffic can go through the right-of-way beyond the south end of Lot 1 Block 5 all traffic must turn around.

To the north of Lot 1 Block 5 and the entire north line of this subdivision is land owned by the State of Alaska DNR abutting to the Kenai River. This is one of two access points to the high side of the property, the rest is along the flats.

---

**Staff Analysis:**

The subdivision of Willow Brook North Addition KN98-42 was platted from the SE1/4 SE1/4 Section 15 and a part of NE1/74 NE1/4 Section 22 both in Township 5 North, Range 11 West, SM, Kenai Recording District, Kenai Peninsula Borough, Alaska. Lot 1 Block 5 is located on the northern border of the subdivision.

The terrain of Lot 1 Block 5 is relatively flat with a slight slope to the north towards the DNR land.

The plat is in the Kalifornsky APC which is not currently active.

**Applicant Findings:**

1. East side of property contains the septic tank and leech field
2. Cost of extending the driveway to the east side of the lot
3. Lot is narrower on the east side and would limit the size of garage.

**Staff Findings:**

4. No traffic goes past property
5. Road is straight along this segment, not a sight distance issue
6. Garage location will not be a hazard to the public.
7. Shed should be moved to be out of setback
8. There looks to be room from house to garage, to place garage closer to house outside setback.
9. Road stops short of lot, only driveways in front of lot.
10. Setback line was created by Willow Brook North Addition KN98-42

**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 4, 6 & 9 appear to support this standard.**
  2. The building setback encroachment may not interfere with sight lines or distances.  
**Findings 5 & 9 appear to support this standard.**
  3. The building setback encroachment may not create a safety hazard.  
**Findings 5, 6 & 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.

**KPB department / agency review:**

KPB Roads Dept. Comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: The RSA does not manage setback. The allowance presents little impact to the current level of development other than limited maintenance equipment turnaround space. However, Northridge Dr. termination provides access for the development of unsubdivided parcel 05503107 to the North and likely a portion of 05503101 to its West. This appears to be property prime for potential development, raising the likelihood of future ROW extension.
SOA DOT Comments	No comment
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Per the new FEMA maps, this is not within a flood hazard area.  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish & Game	

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 37254 NORTHRIDGE DR Existing Street Names are Correct: Yes List of Correct Street Names: 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: No new construction should be allowed in the 20ft set back. The existing shed should be moved from the setback. The new construction should be designed as to preserve the setback.
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	

**Utility provider review:**

HEA	
ENSTAR	
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

**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 2024 as-built survey, subject to:

1. Compliance with KPB 20.10.110 sections F and G.
2. Providing a current as-built to be used as an exhibit drawing prepared, signed, and sealed by a licensed land surveyor after construction is complete.
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 one year approval will result in a new application, hearing, and approval.
5. 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 2024-16  
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1 BLOCK 5, WILLOW BROOK NORTH ADDITION, (KN 0980042); IN NE 1/4 S15, T05N, R11W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2024-102

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, Stephen D and Randy M Milliron of Soldotna, AK requested a building setback encroachment permit to the 20-foot building setback granted by Willow Brook North Addition, (KN 0980042); and

WHEREAS, per the petition; and

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

WHEREAS, on Monday, October 28, 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 0980042 Lot 1 Block 5 is hereby excepted to accommodate only the encroaching portion of the 11.3 X 9.4 shed and 32 X 36 proposed 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.

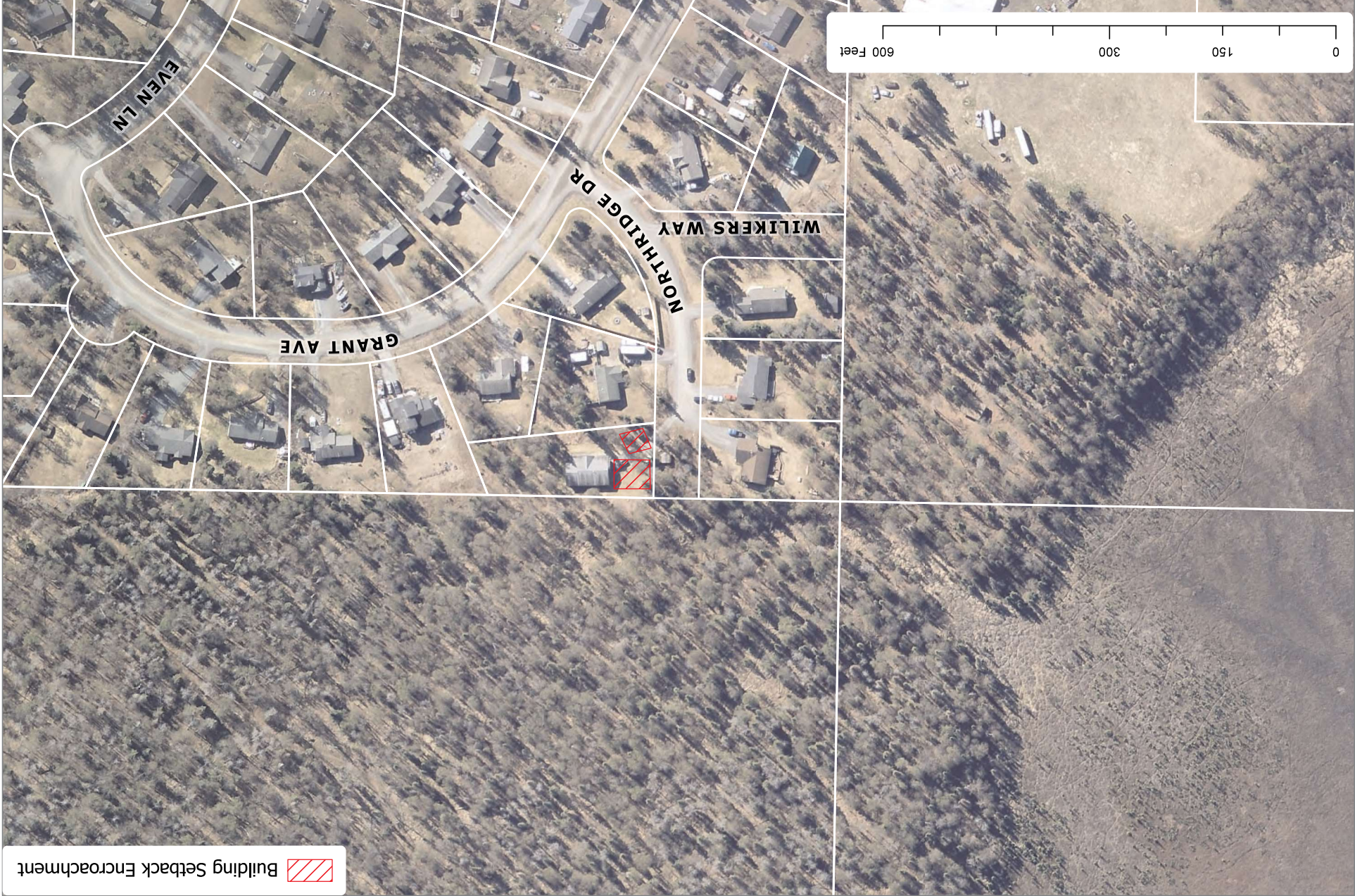
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
Jeremy Brantley, Chairperson  
Planning Commission

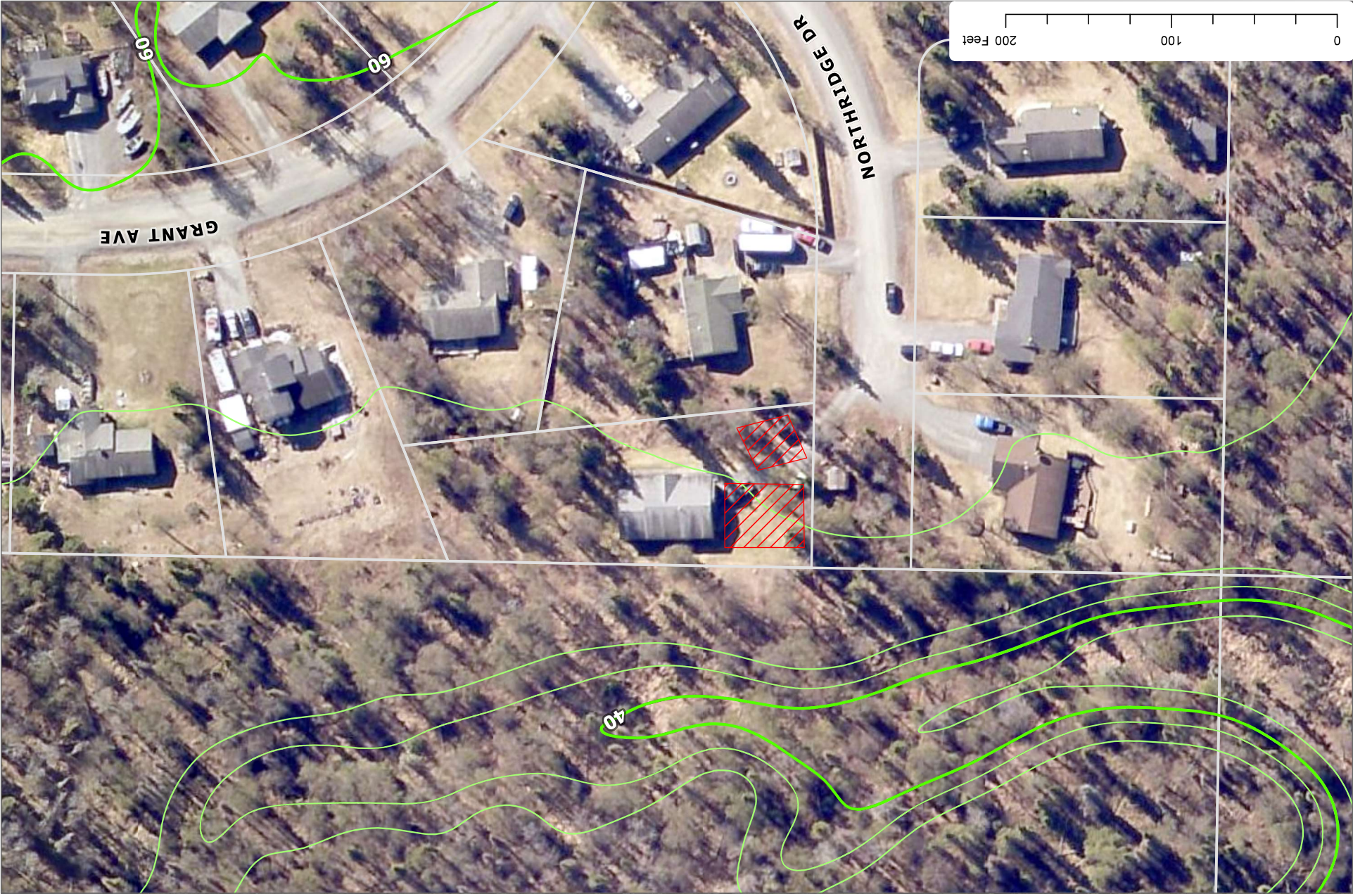
ATTEST: \_\_\_\_\_  
Ann Shimberg,  
Administrative Assistant

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





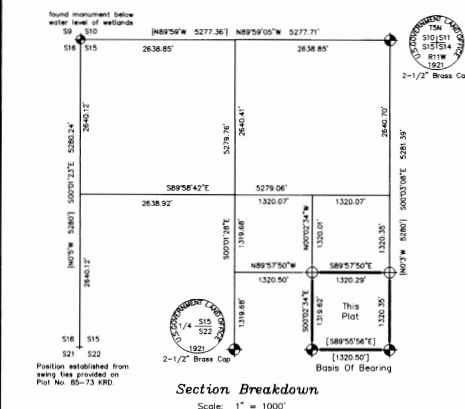
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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.



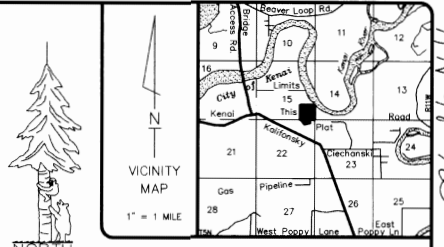
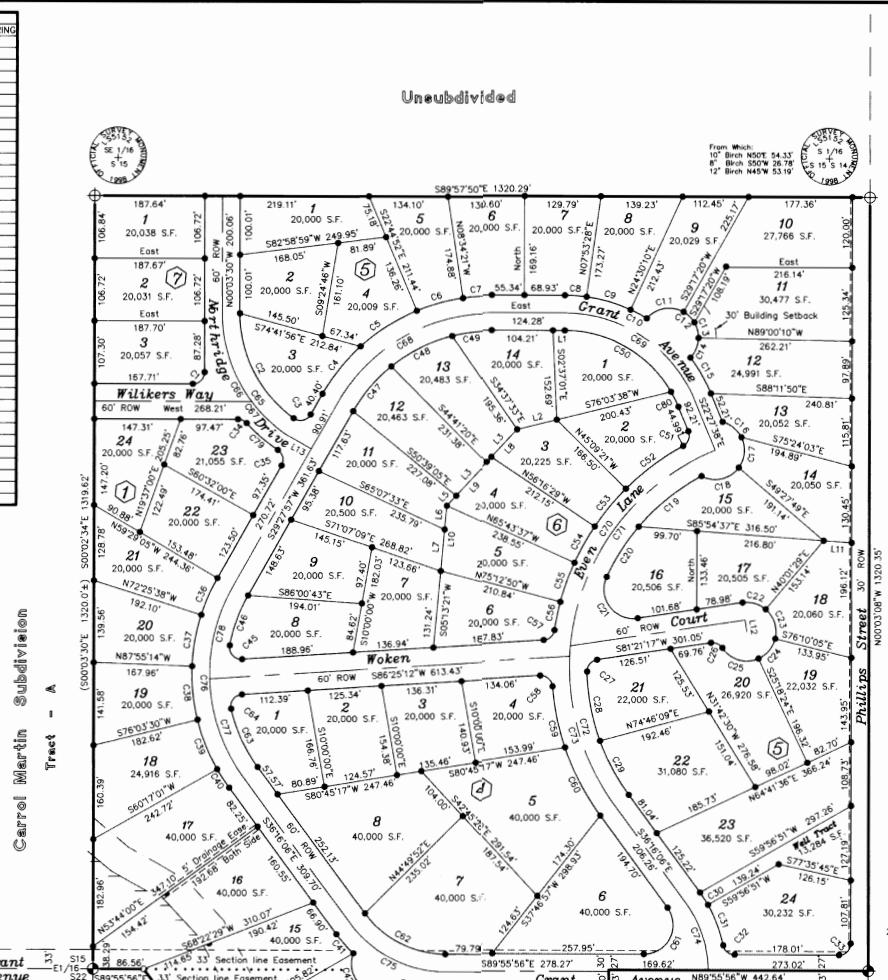
CURVE TABLE					CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING	CURVE	DELTA	RADIUS	LENGTH	CHORD LENGTH	CHORD BEARING
C1	90°03'30"	20.00'	31.44'	28.30'	N44°58'19"E	C41	10°51'50"	230.00'	43.61'	43.54'	S41°42'01"E
C2	54°22'19"	220.00'	208.77'	201.03'	S27°14'40"E	C42	83°04'38"	50.00'	72.50'	68.31'	S21°34'09"E
C3	96°06'14"	20.00'	53.55'	19.75'	N77°11'04"E	C43	78°20'49"	20.00'	47.06'	42.15'	N78°58'07"E
C4	18°01'44"	330.00'	103.84'	103.41'	S38°28'49"W	C44	18°04'44"	230.00'	72.57'	72.27'	S80°53'34"E
C5	19°45'28"	330.00'	113.90'	113.23'	S57°22'24"W	C45	103°45'02"	20.00'	36.22'	31.47'	S41°42'17"E
C6	14°10'30"	330.00'	81.64'	81.43'	S74°20'24"W	C46	19°17'43"	270.00'	80.93'	80.50'	S19°29'05"W
C7	08°34'21"	330.00'	49.37'	49.33'	S85°42'49"W	C47	21°20'56"	270.00'	100.60'	100.02'	S40°08'25"W
C8	07°53'28"	270.00'	37.19'	37.16'	N86°03'16"W	C48	24°45'22"	270.00'	116.66'	115.75'	S63°11'34"W
C9	16°36'42"	270.00'	78.28'	78.01'	N73°48'11"W	C49	14°25'45"	270.00'	88.00'	87.87'	S62°47'07"W
C10	06°19'02"	270.00'	33.34'	33.32'	N62°19'19"W	C50	59°45'50"	210.00'	211.09'	209.25'	N60°07'05"W
C11	79°11'44"	50.00'	69.11'	63.74'	S79°09'39"W	C51	83°37'14"	20.00'	29.19'	26.67'	N19°20'58"E
C12	30°02'41"	50.00'	26.22'	25.92'	N45°44'37"W	C52	16°18'57"	430.00'	122.45'	122.04'	S53°30'07"W
C13	31°43'06"	50.00'	27.68'	27.33'	N41°51'44"W	C53	11°37'07"	430.00'	83.44'	83.31'	S39°17'05"W
C14	42°36'16"	50.00'	37.18'	36.33'	N27°15'7"E	C54	09°27'08"	430.00'	70.94'	70.86'	S38°59'37"W
C15	15°03'10"	270.00'	70.83'	70.73'	N29°59'13"W	C55	09°29'13"	430.00'	71.20'	71.12'	S11°31'47"W
C16	48°38'03"	50.00'	42.73'	41.44'	N51°06'25"W	C56	06°32'22"	430.00'	49.08'	49.05'	S11°30'59"W
C17	62°48'40"	50.00'	54.81'	52.11'	N04°46'56"E	C57	78°10'24"	20.00'	27.29'	23.27'	N47°20'00"E
C18	81°33'35"	50.00'	71.17'	65.30'	N76°58'04"E	C58	89°00'38"	20.00'	31.07'	28.64'	N49°04'28"W
C19	21°26'54"	370.00'	138.51'	137.70'	S50°51'19"W	C59	14°11'34"	430.00'	106.52'	106.24'	S11°39'57"E
C20	19°45'29"	370.00'	101.76'	101.44'	S42°15'07"W	C60	17°30'22"	430.00'	131.38'	130.87'	S27°40'56"E
C21	12°20'06"	50.00'	102.35'	87.89'	S37°08'10"E	C61	178°20'10"	50.00'	110.25'	89.27'	N85°33'59"E
C22	48°40'12"	50.00'	42.47'	41.21'	N74°18'37"W	C62	53°39'50"	170.00'	159.22'	153.47'	S63°06'01"E
C23	63°48'26"	50.00'	55.68'	52.85'	N18°04'18"W	C63	23°20'51"	270.00'	110.02'	109.26'	S24°35'40"E
C24	54°30'15"	50.00'	45.82'	44.43'	N40°05'07"E	C64	92°20'27"	20.00'	34.88'	30.49'	S34°44'58"W
C25	79°38'29"	50.00'	69.60'	64.04'	S73°30'34"E	C65	26°24'39"	250.00'	246.14'	236.32'	S28°15'15"E
C26	64°37'23"	20.00'	22.95'	21.38'	N66°20'02"E	C66	37°24'35"	250.00'	161.78'	158.87'	S18°35'47"E
C27	82°43'01"	20.00'	28.87'	26.43'	S39°59'46"W	C67	19°20'04"	250.00'	84.36'	83.96'	S46°48'07"E
C28	18°41'39"	370.00'	120.72'	120.19'	S10°42'34"E	C68	60°32'03"	300.00'	316.96'	302.32'	S59°43'58"W
C29	16°12'43"	370.00'	104.69'	104.34'	S28°09'44"E	C69	73°20'29"	240.00'	282.91'	266.81'	N56°13'49"W
C30	06°14'24"	230.00'	25.05'	25.04'	N33°08'54"W	C70	65°03'33"	400.00'	454.20'	430.19'	S35°00'35"E
C31	18°27'46"	230.00'	74.11'	73.79'	N20°47'48"W	C71	60°42'37"	400.00'	436.60'	415.25'	S38°16'12"W
C32	72°22'00"	20.00'	27.36'	26.27"	S00°44'27"E	C72	41°18'09"	400.00'	288.11'	281.83'	S15°38'05"E
C33	90°11'00"	20.00'	31.48'	28.33'	N45°02'24"E	C73	88°44'44"	400.00'	470.50'	455.39'	S16°33'20"E
C34	47°57'10"	20.00'	16.74'	16.25'	N66°01'28"W	C74	35°21'32"	200.00'	123.43'	121.48'	N18°35'20"E
C35	86°56'06"	20.00'	30.00'	27.26'	N13°00'06"W	C75	53°39'50"	200.00'	187.32'	180.55'	S63°36'01"E
C36	11°33'35"	330.00'	68.50'	68.38'	S23°13'19"W	C76	65°44'03"	300.00'	344.18'	325.62'	S02°24'05"E
C37	15°29'36"	330.00'	89.23'	88.96'	S09°49'34"W	C77	34°29'18"	300.00'	180.58'	177.87'	S19°01'21"E
C38	16°01'16"	330.00'	92.27'	91.97'	S05°55'52"E	C78	31°14'45"	300.00'	163.60'	161.88'	S13°50'34"E
C39	15°46'29"	330.00'	90.86'	90.57'	S21°49'44"E	C79	14°28'19"	280.00'	70.48'	70.21'	S49°15'30"E
C40	06°33'07"	330.00'	37.74'	37.72"	S32°56'33"E	C80	07°46'32"	210.00'	78.50'	78.43'	N82°20'25"W



LINE	BEARING	DISTANCE
L1	East	20.07'
L2	S76°03'38\"/>	
L3	S42°41'13\"/>	
L4	N89°36'56\"/>	
L5	S42°41'13\"/>	
L6	S05°13'11\"/>	
L7	S05°13'11\"/>	
L8	S42°41'13\"/>	
L9	S42°41'13\"/>	
L10	S05°13'11\"/>	
L11	S85°54'37\"/>	
L12	N08°18'17\"/>	
L13	N60°32'07\"/>	

- LEGEND:**
- MONUMENT (found this survey)
  - 2-1/2" Alum. Cap. Monument (set)
  - 1-1/2" Alum. Cap Prop. Corner (found)
  - 5/8" Rebar (set)
  - Witness Corner 5/8" Rebar (set)
  - ( ) Record Datum - Carrol Martin Subdivision Plot # 96-148 KRD
  - [ ] Record Datum - Willow Brook Subdivision Phase 1 - Plot # 96-36 KRD
  - [ ] Record Datum - GLO accepted 6/13/23
  - Block Number
  - 33' Section Line Easement Line

- NOTES:**
- Proposed land uses are recreational, residential, agricultural, and commercial.
  - 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.
  - Front 10 ft. adjacent to rights-of-way along with an additional 10 ft. within 5 ft. of the side lot lines is a utility easement. 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.
  - No structures permitted within panhandle portions of lot 10 and the Well Tract within Block 5.
  - Portions of this subdivision is served by a community water system approved by Alaska Department of Conservation on 1998, Public Water Service ID # 248434 & 248442.
  - WASTEWATER DISPOSAL:** 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 and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Dept. of Environmental Conservation.
- Engineer: *M. J. ...* License # 3280-E Date: *1/14/1998*



**CERTIFICATE OF OWNERSHIP and DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

I FURTHER CERTIFY THAT DEED(S) OF TRUST AFFECTING THIS PROPERTY DO NOT CONTAIN RESTRICTIONS WHICH WOULD PROHIBIT THIS REPEAT, OR REQUIRE SIGNATURE AND APPROVAL OF BENEFICIARY(IES).

Notary: *Cliff Babin*

Notary Public, State of Alaska  
 605 Swires Drive  
 P. O. Box 2829  
 Kenai, Alaska 99611

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS 24 DAY of July, 1998 FOR Cliff Babin

Notary Public, State of Alaska  
 605 Swires Drive  
 P. O. Box 2829  
 Kenai, Alaska 99611

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF May 26, 1998

KENAI PENINSULA BOROUGH  
*Blair ...*  
 AUTHORIZED OFFICIAL

**CERTIFICATE OF SURVEYOR**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska. This plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct to the normal standards of practice of land surveyors in the State of Alaska.

REGISTRAR NO. 15-5182 DATE 14 August, 1998

REGISTERED LAND SURVEYOR  
*Cliff Babin*

KPB FILE No. 98-086

**Willow Brook North Addition**

Located within the SE1/4 SE1/4 Sec. 15 & NE1/4, NE1/4 Sec. 22, T8N, R11W, S. M., Kenai Recording District, Kenai Peninsula Borough, Alaska.  
 Containing 45.607 Acres

**Integrity Surveys**

605 Swires Drive  
 Kenai, Alaska 99611-8363  
 PHONE - (907) 283-9647 FAX - (907) 283-9021  
 SURVEYORS PLANNERS

RECORDED 20 KENAI REC. DIST.  
 DATE 8/17 TIME 1:14 1998 P.M.

REQUESTED BY: INTEGRITY SURVEYS  
 SURVEYED: April-August, 1998 SCALE: 1" = 100'  
 JOB NO: 98049 REF: 16046 DRAWN: 17 June, 1998 CB  
 FIELD BK: 98-3 DISK: \D15\Willow Brook