



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-04
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE 20-FOOT BUILDING SETBACK ADJOINING THE EAST BOUNDARY OF TRACT G-2 FISHERMEN ROADS SUBDIVISION EDELMAN ADDITION (KN 96-59), GRANTED BY FISHERMEN ROADS SUBDIVISION EDELMAN ADDITION (KN 96-59); IN NE1/4 SW1/4 SECTION 30, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH. KPB FILE 2021-169

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.

WHEREAS, Benjamin P. Cheah and Megan M. Cheah of Kenai, Alaska requested a building setback permit for the shop located on said lot; and

WHEREAS, per the petition, a garage was constructed in 2020 and is located up to 1.9 feet within the 20 foot building setback adjoining the Kalifornsky Beach Road right of way; and

WHEREAS, the existing building will not obstruct line of sight for traffic; and

WHEREAS, on January 24, 2020, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed building setback permit; and

WHEREAS, the Planning Commission found that granting the building setback 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 approve building setback 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 shop that extends 1.9 feet into the 20 foot building setback adjoining Kalifornsky Beach Road right of way on the east boundary Tract G-2, Fishermen Roads Subdivision Edelman Addition, granted by Fishermen Roads (KN 84-73).

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

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

Section 4. That an exhibit drawing or as-built survey prepared by a licensed land surveyor, showing the location of the portion of the building setback exception to be granted be attached to and made a part of this Resolution, becoming page 2 of 2.

Section 5. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

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

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 24th DAY OF JANUARY, 2022.

Robert Ruffner, Vice Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

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

