



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2022-28  
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE 20-FOOT BUILDING SETBACK ADJOINING THE EAST BOUNDARY OF LOT 39, STARISKI MEADOWS (HM 97-62), GRANTED BY STARISKI MEADOWS (HM 97-62); IN NE1/4 NE1/4 SECTION 29, TOWNSHIP 3 SOUTH, RANGE 14 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH. KPB FILE 2022-079

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, Pamela and John Ehlers of Ninilchik, AK requested a building setback encroachment permit for portions of a shed and house on said lot; and

WHEREAS, per the petition, the owner/builder did not realize that had built into the setback and the shed is located up to 4.4 feet into the setback and the house is located up to 19.2 feet into the setback.

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

WHEREAS, on July 18, 2022, 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 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 4.4 feet into the 20-foot building setback and the encroaching portion of the house along the east side that extends 19.2 feet into the 20-foot building setback both adjoining Achernar Street right-of-way on the east boundary of Lot 39, Stariski Meadows (HM 97-62).

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

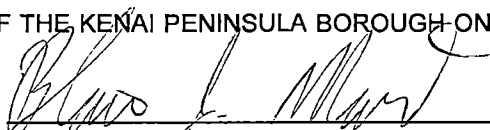
Section 3. That the twenty-foot building setback shall apply to the remainder of said lot.

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.

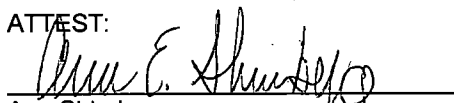
Section 5. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

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

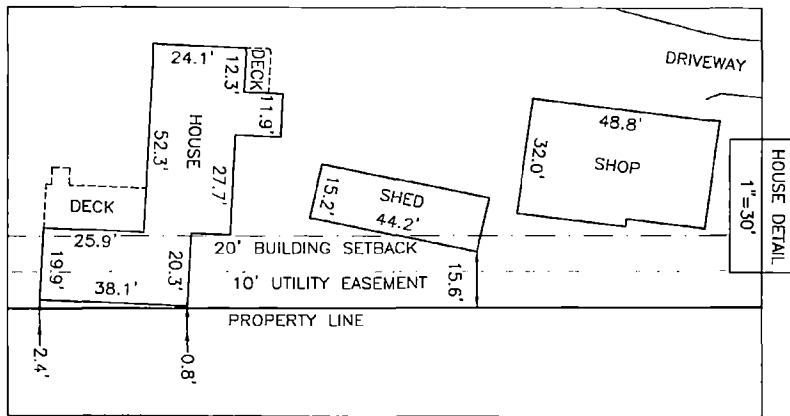
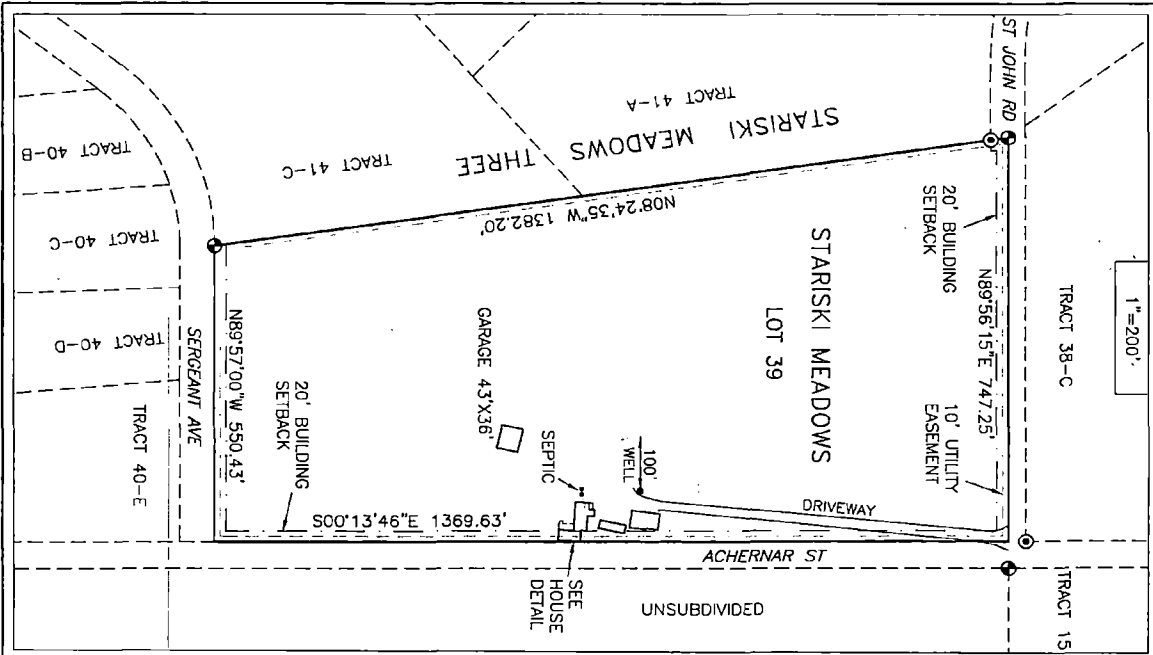
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 18th DAY OF JULY, 2022.

  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

  
Ann Shirnberg  
Administrative Assistant

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



- LEGEND**
- FOUND REBAR
  - FOUND ALUMINUM MONUMENT

**NOTES**

1. A TITLE REPORT WAS NOT PREPARED FOR THIS SURVEY. ADDITIONAL RECORDED AND UNRECORDED EASEMENTS MAY EXIST.
2. BEARINGS AND DISTANCES ARE FROM FIELD MEASUREMENTS AND PLAT 97-62 HOMER RECORDING DISTRICT.

**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 06/03/2022.

*Jason L. Schollenberg* 07/20/2022  
 JASON L. SCHOLLENBERG DATE  
 PLS 14488-S



<b>PENINSULA SURVEYING, LLC</b>			
10535 KATRINA BOULEVARD NINILCHIK, AK 99639 (907)306-7065			
AS-BUILT SURVEY LOT 39, STARISKI MEADOWS SECTION 29, T3S, R14W, S.M.		DATE:	07/20/2022
SCALE:	VARIES	SHEET:	1 OF 1
DRAWN:	JLS		

