



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2022-38  
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR 11-B BLOCK 3, FERNWOOD 1977 SUBDIVISION (HM 0770063), GRANTED BY FERNWOOD SUBDIVISION UNIT 3 (HM 0770017); IN SW 1/4 S31, T05S, R12W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2022-099

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, Karen Jackman and James Ferguson of Fritz Creek, AK requested a building setback encroachment permit to the 20-foot building setback granted by Fernwood Subdivision Unit 3 (HM 0770017); and

WHEREAS, per the petition the open carport was constructed 5.8 feet within the building setback adjoining Highview Court; and

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

WHEREAS, on Monday, August 8, 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 accomplish building setback encroachment 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 carport that extends 5.8 feet into the 20 foot building setback adjoin Highview Court right-of-way on the eastern boundary of Lot 11-B Block 3, Fernwood Subdivision 1977 (HM 0770063).

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.

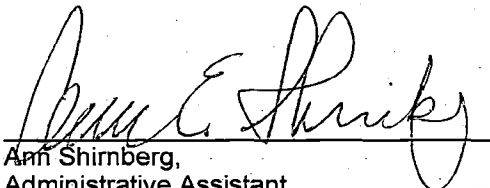
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

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  
8<sup>th</sup> DAY OF AUGUST, 2022.

  
Chairperson, Planning Commission

ATTEST:

  
Ann Shimborg,  
Administrative Assistant

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

