



**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2023-2  
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR H-2, HOLLYWOOD SUBDIVISION NO 4 (HM 0760056); IN NE 1/4 S23, T04S, R15W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2022-181

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, Jay Snow of Anchor Point, AK requested a building setback encroachment permit to the 20-foot building setback granted by Hollywood Subdivision No 1 (HM 0760056); and

WHEREAS, an improvement was constructed in 1955 that predates the creation of the 20 foot building setback adjoining Cape Ninilchik Avenue and is exempt from the 20 foot building setback; and

WHEREAS, per the petition, a house was constructed in 2007 and is located 9.1 feet within the 20 foot building setback adjoining Whiskey Gulch Street; and

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

WHEREAS, on Monday, January 9, 2023, 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 H-2 Hollywood Subdivision #4 (HM 0760056) is hereby excepted to accommodate only the encroaching portion of the wood frame 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.

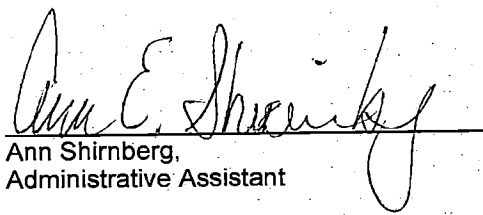
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

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 9<sup>th</sup> DAY OF January, 2023.

  
Jeremy Brantley, Chairperson  
Planning Commission

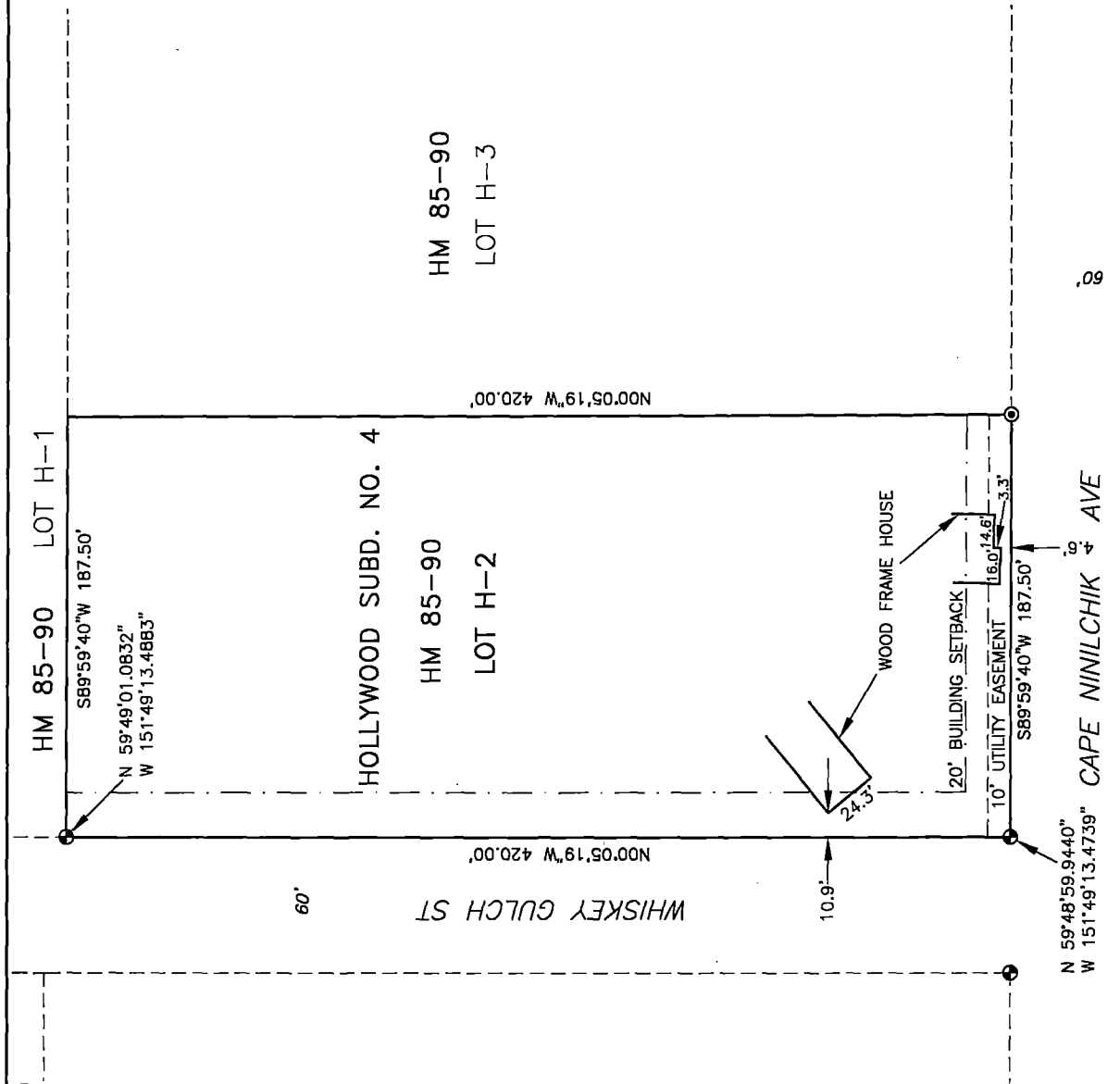
ATTEST:

  
Ann Shirnberg,  
Administrative Assistant

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

Kenai Peninsula Borough Planning Commission Resolution 2023-2

Page 1 of 2



# 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 HM 85-90.

## 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 09/12/2022.

*Jason L. Schollenberg* 12/17/2022

JASON L. SCHOLLENBERG DATE  
PLS 14488-S

PENINSULA SURVEYING, LLC  
10535 KATRINA BOULEVARD  
NINILCHIK, AK 99639  
(907)306-7065

AS-BUILT SURVEY  
LOT H-2, HOLLYWOOD SUBDIVISION  
NUMBER 4  
SECTION 23, T4S, R15W, S.M.

SCALE: 1" = 50'  
DATE: 12/17/2022

DRAWN: JLS  
SHEET: 1 OF 1

