

## **E. NEW BUSINESS**

### **1. Building Setback Encroachment Permit; KPB File 2022-143**

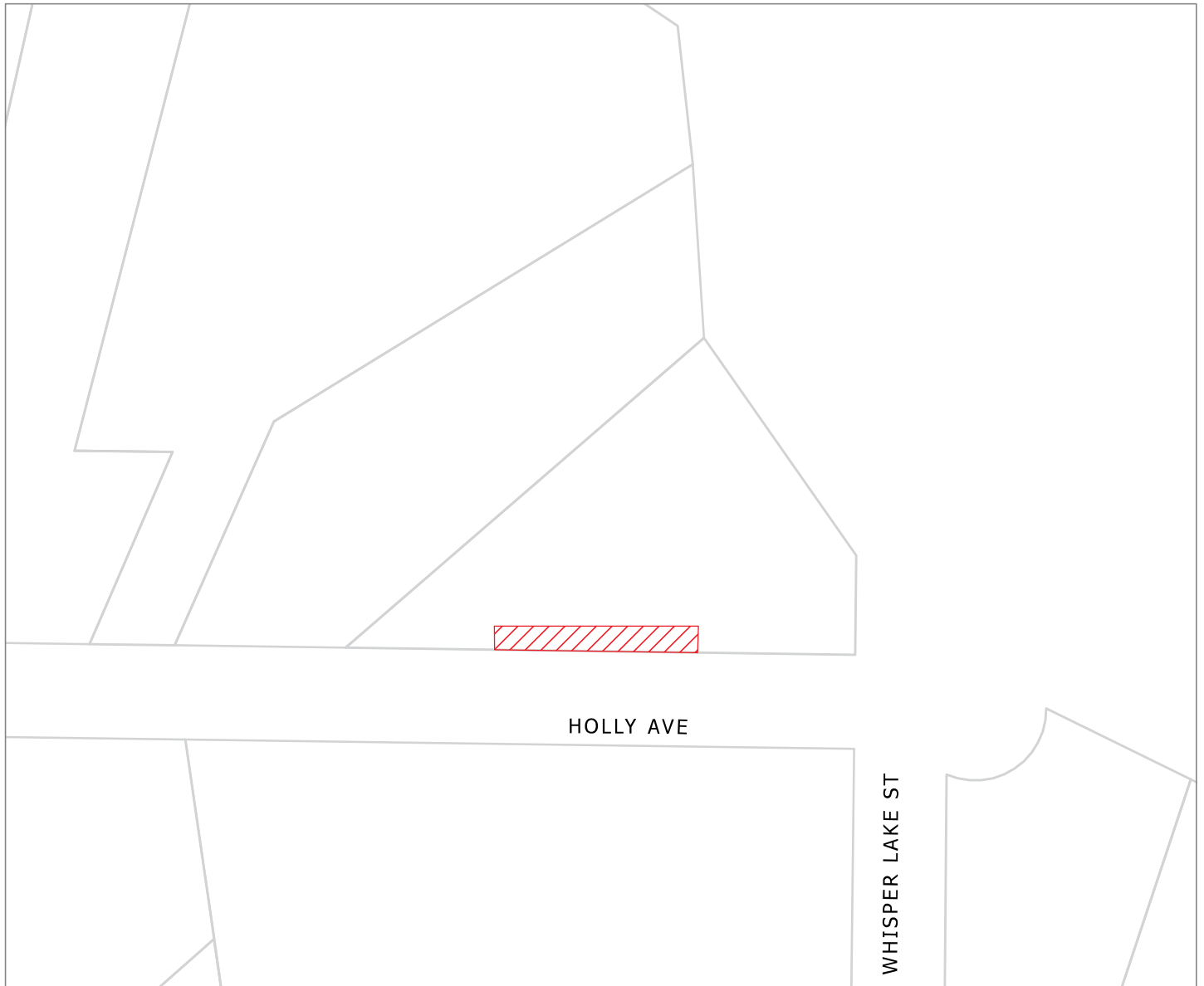
**No Surveyor / Tim & Kathy Crumrine Trust**

**Request: Permits a house to remain in the building setback of  
Lot 15, Block 5, Lake View Terrace #2, Plat KN 87-33, by 3.5'  
Sterling Area**



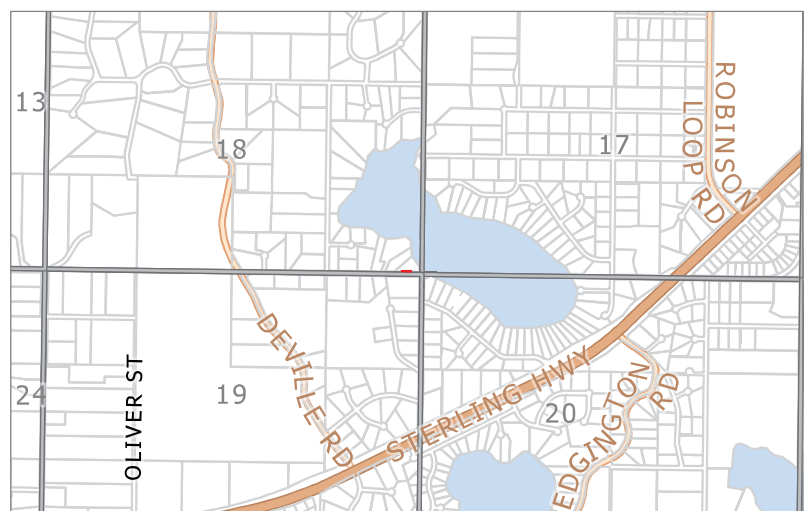
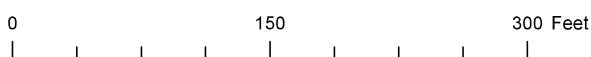
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2022-143  
T 05N R 09W SEC 18  
Sterling

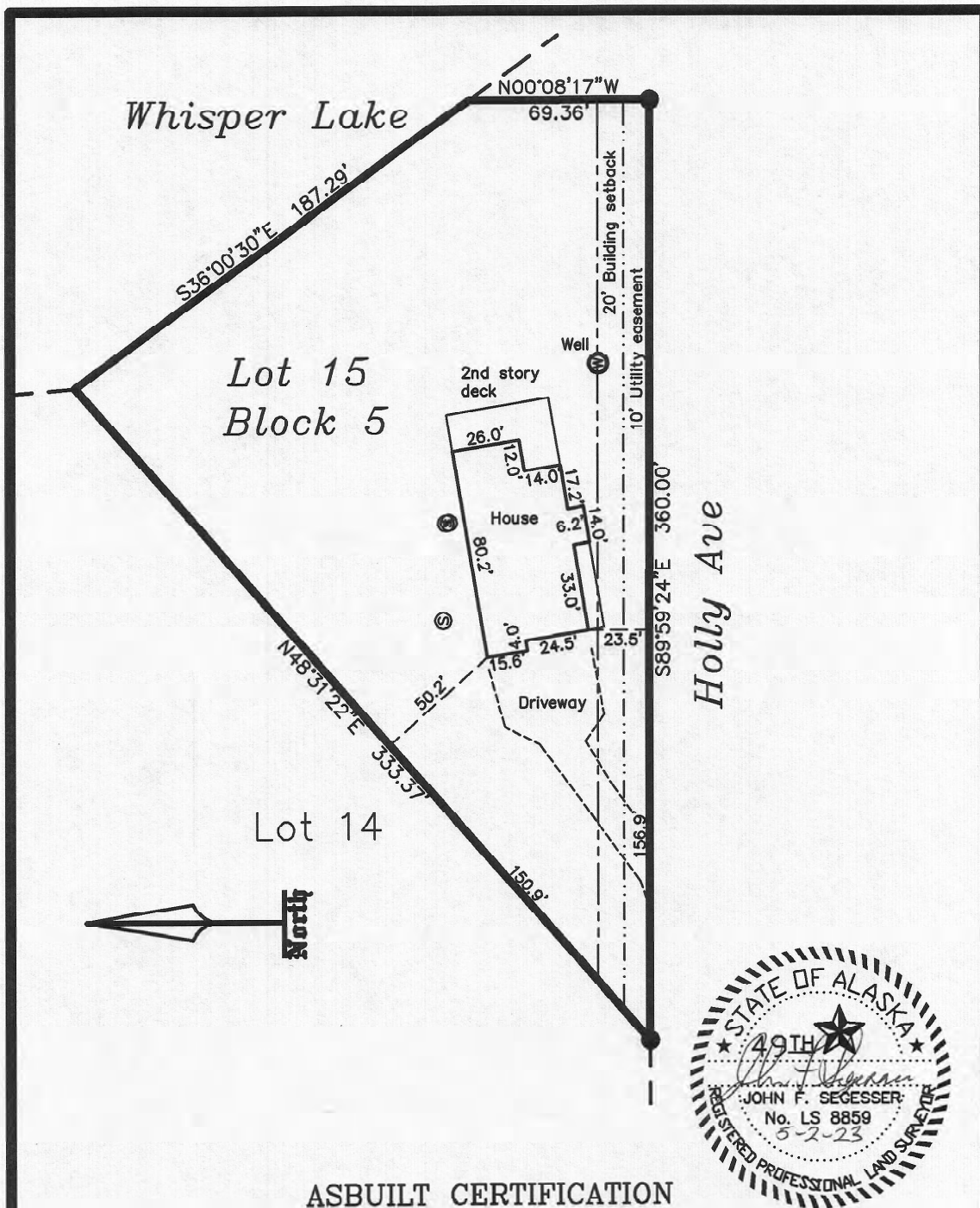
9/18/2022





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.





# LEGEND

- Found Rebar
- ⊙ Sewer vent

KENAI RECORDING DISTRICT		Plat: 87-33
Date: 5-2-23	Scale: 1"=50'	Drawn: JFS
Job: 23066	Book: 23-1	

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

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

Lot 15 Block 5

Lake View Terrace #2

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.

AGENDA ITEM E. NEW BUSINESS

**ITEM 1. – BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 15 BLOCK 5 LAKE VIEW TERRACE NO 2 (KN 87-33)**

<b>KPB File No.</b>	2022-143
<b>Planning Commission Meeting:</b>	May 22, 2023
<b>Applicant / Owner:</b>	Tim & Kathy Crumrine Trust of Lakewood, CO
<b>Surveyor:</b>	John Segesser, Segesser Surveys
<b>General Location:</b>	Holly Avenue, Sterling

<b>Parent Parcel No.:</b>	063-292-01
<b>Legal Description:</b>	Lot 15 Block 5 Lake View Terrace No. 2, Plat KN 87-33
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

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**STAFF REPORT**

This building setback encroachment permit is a follow-up to a building setback permit request that was heard and approved at the October 10<sup>th</sup> 2022 Planning Commission Meeting. The structure is complete and an as-built has been submitted as required for the resolution to be completed.

**Specific Request / Purpose as stated in the petition:** This building setback was previously heard and approved at the October 10, 2022 meeting. At that meeting the applicants were asking for permission to construct a house in the building setback due to steep and limited area for a septic system. The original approval was for a 14 foot wide section of the home to be in the setback about 33 feet by 2.5 feet. The house is now complete and is ready to have an adoption of Resolution 2022-45.

Construction of the house is now complete and the as built shows the true area and the encroachment is smaller than originally planned. Approval for the setback encroachment would only be as it exists and shown on the as built.

**Site Investigation:** Holly Avenue was created by the plat Lake View Terrace #2 KN 87-33. Holly Avenue is located off borough maintained Deville Road, which connects to state maintained Sterling Highway near mile 89. Holly Avenue is constructed to the southwest corner of the subject lot but is not maintained by the borough. The right-of-way dedication for Holly Avenue varies but is 66 feet wide along the portion being discussed and lies atop a section line easement. The southern half of Holly Avenue was created by Replat of Whisper Lake Subdivision and Addition No 1, Plat KN 72-47.

Holly Avenue is along the southern boundary of the subject lot and it continues to the east where it connects with additional section line easements, right-of-way dedications, Whisper Lake, and ends with a partial right-of-way cul-de-sac bulb along Whisper Lake. The section line easements that connect to Holly Avenue run along the eastern boundary of the subject lot and connect to Whisper Lake. The north-south section line easements have dedications atop them that is known as Whisper Lake Street. Only portions of Whisper Lake Street are constructed and only borough maintained from the Sterling Highway to Ben Court. Ben Court is a cul-de-sac that use to connect to Holly Avenue but was partial vacated by Replat of Whisper Lake Subdivision and Addition No 1, Plat KN 72-47. Per KPB GIS Imagery, it appears that Ben Court ends south of an airstrip.

Lot 15 Block 5 is subject to a 20 foot building setbacks along Holly Avenue south of the lot. The lot is also subject to a 20 foot building setback along the eastern lot line along the dedication for Whisper Lake Street. A minimum separation distance from Whisper Lake is required of 100 feet for any wastewater treatment system.

Except along the lake there are no low wet areas present on the property. The property slopes down towards the lake. The slopes appear to slope consistently throughout with some steeper slopes present along the northwestern

portion of the lot and along the subject area. In the northwest there is an area with slopes that are close to 30 percent that are about 23 percent as the terrain is followed south to Holly Avenue.

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**Staff Analysis:** The parcel was created by Lake View Terrace #2, Plat KN 87-33 a subdivision of Government Lot 8. The plat also created 20 foot setbacks along dedicated rights-of-way. The front 10 feet of the 20 foot setbacks were also granted as utility easements.

The existing terrain on the lot is steep where the house is built. The house occupies the majority of the high spot of the lot leaving little room left on the top portion. The land will slope quickly away from the house towards Whisper Lake to the east and a valley / drain way to the north.

There is little traffic on Holly Avenue as Holly Avenue stops at this house location and continues no further. Homes along this stretch of Holly Avenue appear to be the only users of the roadway. There is no continuation to Whisper Lake. Whisper Lake Street does not currently continue north to connect with Holly Avenue. KPB required right-of-way width is 60 feet wide. The portion of Holly Avenue along the request is dedicated as 66 feet wide and coincides with the 66 section line easements. Sight distance should not be an issue.

**Findings:**

1. A 20 foot building setback line was created along Holly Avenue by Lake View Terrace #2 KN 87-33.
2. The house is proposed to be built on the high point of the lot.
3. Portions of the house, a retaining wall, and sidewalk are proposed to be within the setback.
4. Holly Avenue is a 66 foot wide dedicated right-of-way.
5. Holly Avenue is not constructed along this stretch of right -of-way.
6. Holly Avenue is not maintained by the borough.
7. The KPB Roads Department had no objection.
8. The lot is 1 acre in size.
9. There are 20 foot building setbacks along the south and the east.
10. There is a 100 foot setback from the lake for any wastewater systems.
11. There does not appear to be any sight issues.

**20.10.110. – Building setback encroachment permits.**

E. The following standards shall be considered for all building setback encroachment permit applications:

1. The building setback encroachment may not interfere with road maintenance.

**Findings 2 and 4-7 appear to support this standard.**

2. The building setback encroachment may not interfere with sight lines or distances.

**Findings 2, 4-7, and 11 appear to support this standard.**

3. The building setback encroachment may not create a safety hazard.

**Findings 2, 4-7, and 11 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	
SOA DOT comments	
KPB River Center review	Habitat Protection Reviewer: Aldridge, Morgan Comments: This parcel is not within the 21.18 KPB setback and KPB Habitat has no comments.  State Parks Reviewer: Vacant Comments:  Floodplain Reviewer: Hindman, Julie Comments:
State of Alaska Fish and Game	
Addressing	Addressing-related comments: Holly Ave is correct, and there will be no effect on the existing physical address
Code Compliance	
Planner	
Assessing	

**RECOMMENDATION:**

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2022-45, subject to compliance with KPB 20.10.110 sections F and G.

**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.**

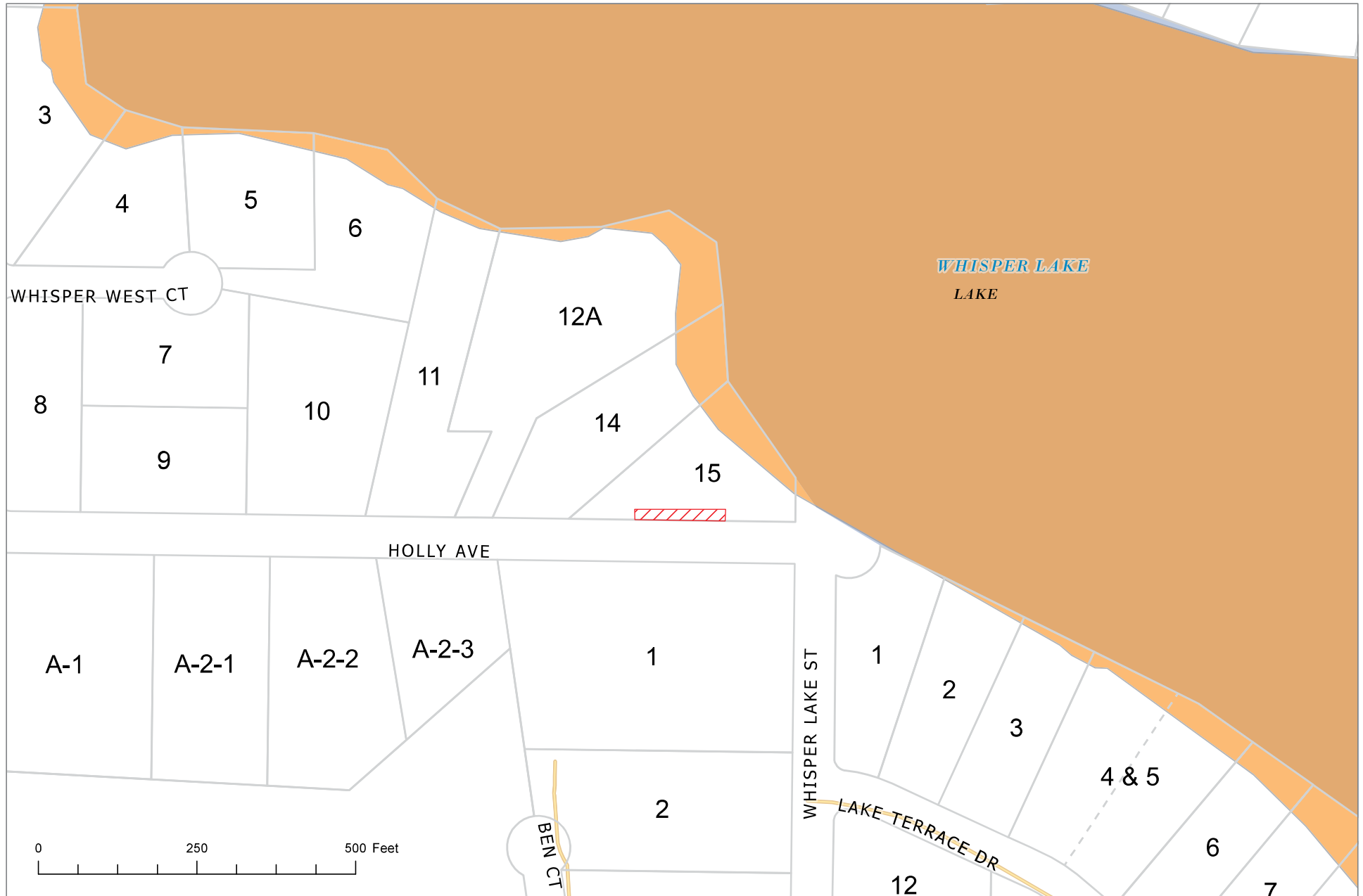
**END OF STAFF REPORT**



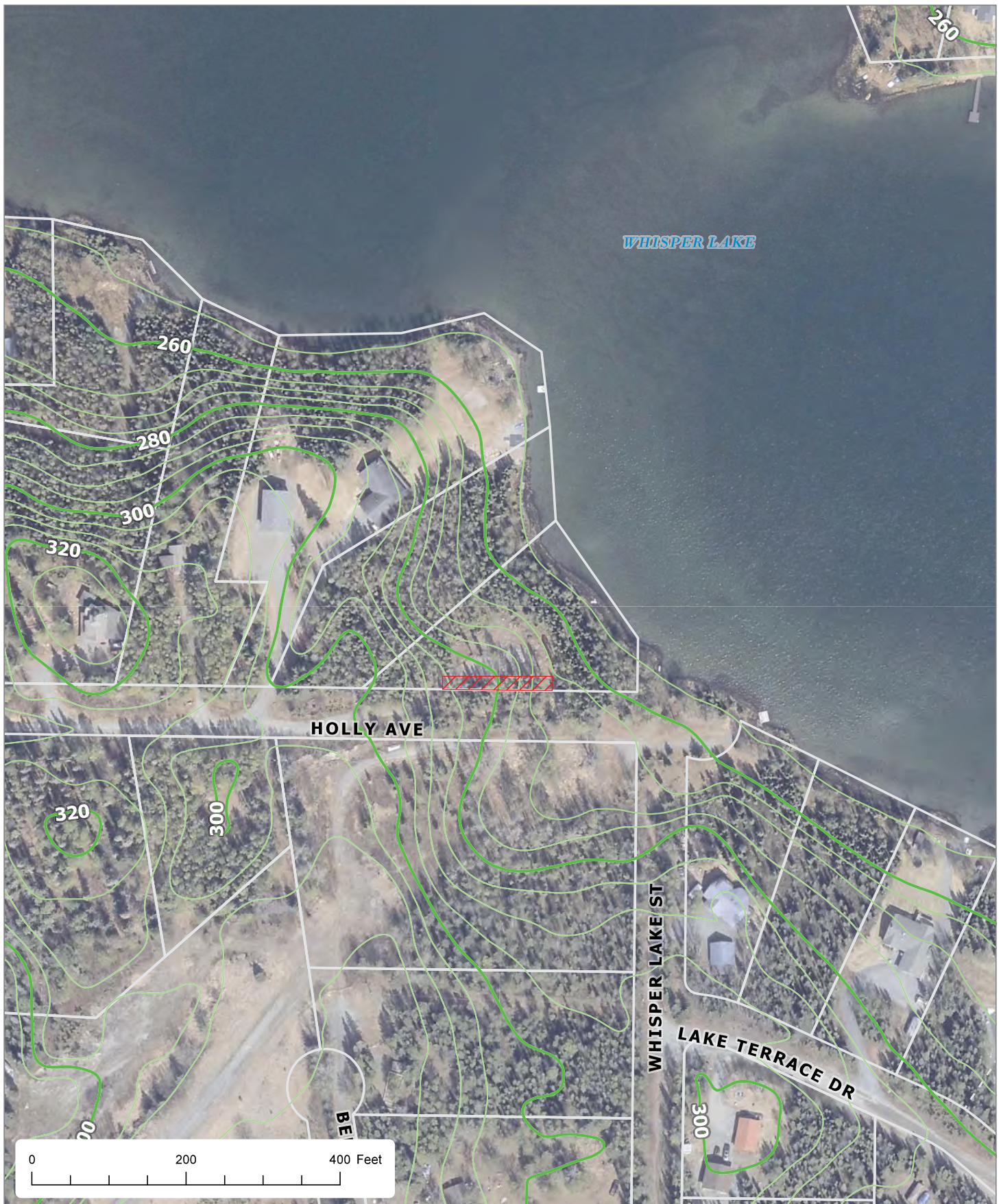


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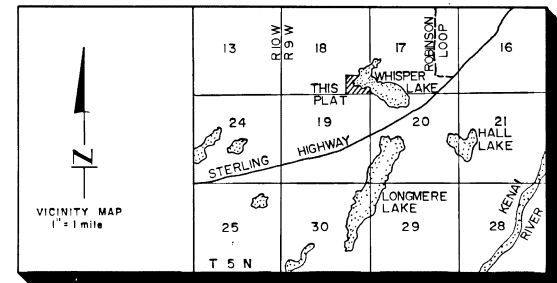
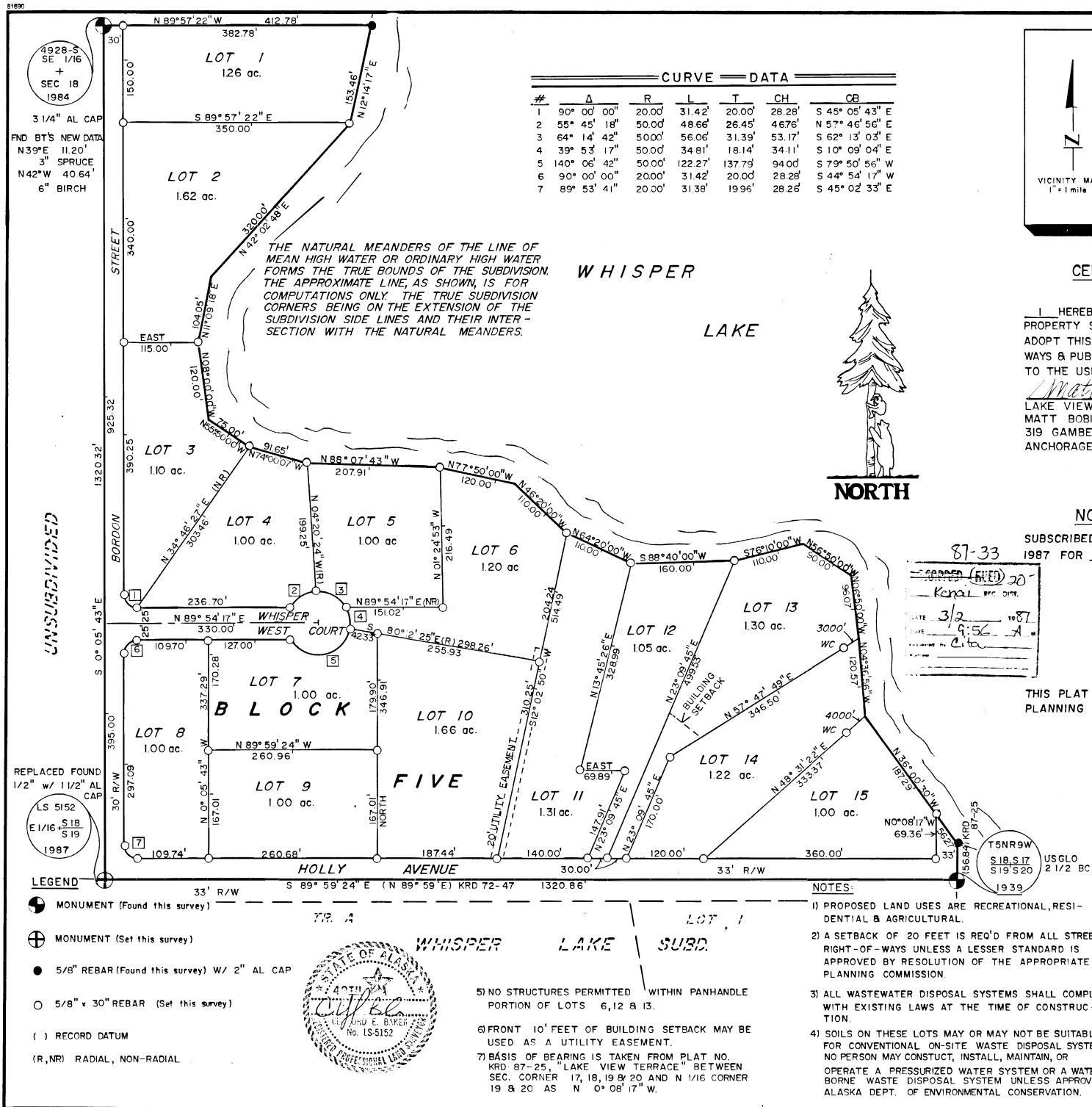




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### CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

*Matt Bobich*  
LAKE VIEW PARTNERSHIP  
MATT BOBICH, MANAGING PARTNER  
319 GAMBELL ST.  
ANCHORAGE, AK 99501

### NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 25 DAY of February, 1987 FOR MATT BOBICH

*Notary Public*  
NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES 2-25-1992

### PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 9-B-86

KENAI PENINSULA BOROUGH  
*Richard P. Torgue*  
AUTHORIZED OFFICIAL

K.P.B. FILE NO. 86-287

### LAKE VIEW TERRACE # 2

A SUBDIVISION OF GOVERNMENT LOT 8.

LOCATED WITHIN THE SE 1/4 SE 1/4, SECTION 18, T5N, R9W, S.M., KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 20.12 ACRES INTO 15 LOTS

### INTEGRITY SURVEYS

P.O. BOX 1831  
SOLDOTNA, ALASKA 99669  
262 - 9461

SURVEYORS	PLANNERS
JOB NO.: 86-38	FIELD BOOK: 86-6
DISK NO.: 3-5	FILE NAME: LAKE VIEW TERRACE
SURVEYED: FEB 87	PLATTED: FEB 87
DRAFTED: CB	SCALE: 1" = 100'
CHECKED: CB	SHEET:



AGENDA ITEM E. NEW BUSINESS

**ITEM 1. BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 15 BLOCK 5 LAKE VIEW TERRACE NO 2 (KN 87-33)**

<b>KPB File No.</b>	2022-143
<b>Planning Commission Meeting:</b>	October 10, 2022
<b>Applicant / Owner:</b>	Tim & Kathy Crumrine Trust of Lakewood, CO
<b>Surveyor:</b>	None
<b>General Location:</b>	Holly Avenue, Sterling

<b>Parent Parcel No.:</b>	063-292-01
<b>Legal Description:</b>	Lot 15 Block 5 Lake View Terrace No. 2, Plat KN 87-33
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** Lot is steep and narrow with limited area for septic system. Requesting variance to put a 14' wide section of the home into the setback about 2.5' about 33' x 2.5' of side walk, plus about 7.5 for a retaining wall. Utilities are in and not in the setback. Holly Avenue stops at this address. Holly Avenue is not borough maintained. No site lines are impacted and no safety hazards created.

**Site Investigation:** There are no existing structures currently on the property. A new house is proposed for the property.

Holly Avenue was created by the plat Lake View Terrace #2 KN 87-33. Holly Avenue is located off borough maintained Deville Road, which connects to state maintained Sterling Highway near mile 89. Holly Avenue is constructed to the southwest corner of the subject lot but is not maintained by the borough. The right-of-way dedication for Holly Avenue varies but is 66 feet wide along the portion being discussed and lies atop a section line easement. The southern half of Holly Avenue was created by Replat of Whisper Lake Subdivision and Addition No 1, Plat KN 72-47.

Holly Avenue is along the southern boundary of the subject lot and it continues to the east where it connects with additional section line easements, right-of-way dedications, Whisper Lake, and ends with a partial right-of-way cul-de-sac bulb along Whisper Lake. The section line easements that connect to Holly Avenue run along the eastern boundary of the subject lot and connect to Whisper Lake. The north-south section line easements have dedications atop them that is known as Whisper Lake Street. Only portions of Whisper Lake Street are constructed and only borough maintained from the Sterling Highway to Ben Court. Ben Court is a cul-de-sac that use to connect to Holly Avenue but was partial vacated by Replat of Whisper Lake Subdivision and Addition No 1, Plat KN 72-47. Per KPB GIS Imagery, it appears that Ben Court ends south of an airstrip.

Lot 15 Block 5 is subject to a 20 foot building setbacks along Holly Avenue south of the lot. The lot is also subject to a 20 foot building setback along the eastern lot line along the dedication for Whisper Lake Street. A minimum separation distance from Whisper Lake is required of 100 feet for any wastewater treatment system.

Except along the lake there are no low wet areas present on the property. The property slopes down towards the lake. The slopes appear to slope consistently throughout with some steeper slopes present along the northwestern portion of the lot and along the subject area. In the northwest there is an area with slopes that are close to 30 percent that are about 23 percent as the terrain is followed south to Holly Avenue. These slopes are in the main location for the house to be built. These slopes Sight distance does not appear to be affected by the structure being built as indicated.

**Staff Analysis:** The parcel was created by Lake View Terrace #2, Plat KN 87-33 a subdivision of Government Lot 8. The plat also created 20 foot setbacks along dedicated rights-of-way. The front 10 feet of the 20 foot setbacks was also granted as utility easements.

The existing terrain on the lot is steep where the house is being built. The house will occupy the majority of the high spot of the lot leaving little room left on the top portion. The land will slope quickly away from the house towards Whisper Lake to the east and a valley / drain way to the north.

There is little traffic on Holly Avenue as Holly Avenue stops at this house location and continues no further. Homes along this stretch of Holly Avenue appear to be the only users of the roadway. There is no continuation to Whisper Lake. Whisper Lake Street does not currently continue north to connect with Holly Avenue. KPB required right-of-way width is 60 feet wide. The portion of Holly Avenue along the request is dedicated as 66 feet wide and coincides with the 66 section line easements. Sight distance should not be an issue.

The owners have started clearing but construction has not begun on the main area of concern. The description provided is not clear on the exact distance they were requesting. After a few conversations it was determined that they are looking for a permit for a length of 47 feet to be 10 feet into the setback. If following this for their building footprint they will not be within the utility easement.

If the encroachment permit is approved, an as-built will be required that shows the exact measurements of the encroachments as outlined in KPB 20.10.110(G). The permit will only be for those portions encroaching and not a removal of the entire 10 foot wide portion being requested, KPB 20.10.110(F). The encroachments may not exceed the approved 10 foot into the setback without additional approval from the Planning Commission.

**Findings:**

1. A 20 foot building setback line was created along Holly Avenue by Lake View Terrace #2 KN 87-33.
2. The house is proposed to be built on the high point of the lot.
3. Portions of the house, a retaining wall, and sidewalk are proposed to be within the setback.
4. Holly Avenue is a 66 foot wide dedicated right-of-way.
5. Holly Avenue is not constructed along this stretch of right -of-way.
6. Holly Avenue is not maintained by the borough.
7. The KPB Roads Department had no objection.
8. The lot is 1 acre in size.
9. There are 20 foot building setbacks along the south and the east.
10. There is a 100 foot setback from the lake for any wastewater systems.
11. There does not appear to be any sight issues.

**20.10.110. – Building setback encroachment permits.**

E. The following standards shall be considered for all building setback encroachment permit applications:

1. The building setback encroachment may not interfere with road maintenance.

**Findings 2 and 4-7 appear to support this standard.**

2. The building setback encroachment may not interfere with sight lines or distances.

**Findings 2, 4-7, and 11 appear to support this standard.**

3. The building setback encroachment may not create a safety hazard.

**Findings 2, 4-7, and 11 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: Uhlin, Dil Comments: RSA has no objection at this time.
SOA DOT comments	
KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections
Addressing	Reviewer: Haws, Derek Affected Addresses: 39046 HOLLY AVE  Existing Street Names are Correct: Yes  List of Correct Street Names: HOLLY AVE  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: 39046 HOLLY AVE will remain with lot.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
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



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**RECOMMENDATION:**

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2022-45, subject to compliance with KPB 20.10.110 sections F and G.

**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**

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**\*6. Commissioner Excused Absences**

- a. City of Seldovia, Vacant
- b. District 7 – Central, Vacant

**\*7. Minutes**

- a. September 26, 2022 Planning Commission meeting minutes.

Chair Brantley asked if anyone wished to speak to any of the items on the consent agenda.

Hearing no one wishing to comment Chair Brantley brought it back to the commission for a motion.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Staggs to approve the regular and consent agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 12	Brantley, Fikes, Gillham, Horton, Hooper, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	

**AGENDA ITEM E. NEW BUSINESS**

Chair Brantley asked Ms. Shirnberg to read into the record the procedures for public hearings.

**ITEM E1. BUILDING SETBACK ENCROACHMENT PERMIT  
LOT 15 BLOCK 5 LAKE VIEW TERRACE NO 2 (KN 87-33)**

<b>KPB File No.</b>	2022-143
<b>Planning Commission Meeting:</b>	October 10, 2022
<b>Applicant / Owner:</b>	Tim & Kathy Crumrine Trust of Lakewood, CO
<b>Surveyor:</b>	None
<b>General Location:</b>	Holly Avenue, Sterling

<b>Parent Parcel No.:</b>	063-292-01
<b>Legal Description:</b>	Lot 15 Block 5 Lake View Terrace No. 2, Plat KN 87-33
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Unrestricted

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

David Bunce; P.O. Box 226, Sterling, AK 99610: Mr. Bunce stated that the staff report outlined their request clearly. He then made himself available for any questions from the commission.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

**MOTION:** Commissioner Morgan moved, seconded by Commissioner Fikes to adopt PC Resolution 2022-45 granting a build setback encroachment permit to Lot 15, Block 5 Lake View Terrace #2, Plat KN 87-33.

Chair Brantley noted that it was nice to see this permit request being sought before the building of a structure.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 12	Brantley, Fikes, Gillham, Horton, Hooper, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	

**ITEM E2 - RIGHT OF WAY VACATION  
60-FOOT-WIDE CICCONE STREET RIGHT OF WAY AND ASSOCIATED UTILITY EASEMENTS**

<b>KPB File No.</b>	2022-136V
<b>Planning Commission Meeting:</b>	October 10, 2022
<b>Applicant / Owner:</b>	Jim & Debbie Wann Family Trust of Clam Gulch, AK Anthony & Kathleen Ciccone of Houston, TX
<b>Surveyor:</b>	Jerry Johnson / Johnson Surveying
<b>General Location:</b>	Russell Avenue, Clam Gulch
<b>Legal Description:</b>	Ciccone Street between Lot 8A Clam Gulch Heights 2011 Addition KRD 2011-60 and Lots 11 & 12 Clam Gulch Heights, Glendening 1979 Subdivision of Tracts 12, 13, 14, 15, 16, 17 18 KRD 18-135, Kenai Recording District, Section 28, Township 2 North, Range 12 West Seward Meridian

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

James Wann, Applicant; P.O. Box 269, Kasilof, AK 99568: Mr. Wann stated he was working with ACS regarding the equipment they had in the right-of-way. He spoke with the reviewing engineer from ACS this morning and he has agreed to grant them a 10' easement where the existing equipment is located. ACS has agreed to this solution and no longer opposes this vacation.

Commissioner Fikes asked for the name of the reviewing engineer at ACS that he spoke with. Mr. Wann replied that it was Eoiwo Olewniczak.

Jerry Johnson, Surveyor; P.O. Box 27, Clam Gulch, AK 99568: Mr. Johnson was the surveyor on this project and he made himself available for any questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

**MOTION:** Commissioner Morgan moved, seconded by Commissioner Slaughter to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 12	Brantley, Fikes, Gillham, Horton, Hooper, Martin, Morgan, Slaughter, Staggs, Stutzer, Tautfest, Venuti
No - 0	

**AGENDA ITEM F. PLAT COMMITTEE REPORT**

Commissioner Gillham reported the plat committee reviewed & granted preliminary approval to 3 plats.

**AGENDA ITEM G.**

- a. Annual Presentation related to KPB 21.18 – Presented by Kenai River Center Manager Sam Lopez.





# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Mike Navarre  
Borough Mayor

October 18, 2022

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF DECISION  
MEETING OF OCTOBER 18, 2022**

Lot 15 Block 5, Lake View Terrace Subdivision No. 2, Plat KN 87-33 Building Setback Encroachment Permit  
KPB File 202-143; KPB PC Resolution 2022-45  
Location: on Holly Avenue, Sterling area.

By unanimous consent and based on the following findings of fact, the Kenai Peninsula Borough Planning Commission approved the building setback exception thereby adopting KPB PC Resolution 2022-45 during their regularly scheduled meeting of October 10, 2022 thereby conditionally approving the building setback encroachment permit as requested.

Standard 1. The building setback encroachment may not interfere with road maintenance.

*Findings:*

2. The house is proposed to be built on the high point of the lot.
4. Holly Avenue is a 66 foot wide dedicated right-of-way.
5. Holly Avenue is not constructed along this stretch of right -of-way.
6. Holly Avenue is not maintained by the borough.
7. The KPB Roads Department had no objection.

Standard 2. The building setback encroachment may not interfere with sight lines or distances.

Standard 3. The building setback encroachment may not create a safety hazard.

*Findings:*

2. The house is proposed to be built on the high point of the lot.
4. Holly Avenue is a 66 foot wide dedicated right-of-way.
5. Holly Avenue is not constructed along this stretch of right -of-way.
6. Holly Avenue is not maintained by the borough.
7. The KPB Roads Department had no objection.
11. There does not appear to be any sight issues.

The approval is subject to:

1. Approved a permit to allow only the encroaching portion of the house, sidewalk, and retaining wall into the 20 foot building setback adjoining Holly Avenue right-of-way on the south boundary of Lot 15 Block 5, Lake View Terrace #2 (KN 87-33) as created by the same plat.
2. That any new, replacement and/or additional construction will be subject to the twenty-foot building setback limit.

3. That the twenty-foot building setback shall apply to the remainder of said lot.
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 encroachment permit to be granted be attached to and made a part of this Resolution, becoming page 2 of 2.
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.
6. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

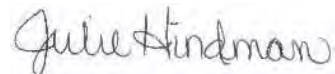
Our office is responsible for recording the resolution. Please send a check to this office for **\$28.84** made payable to the **Kenai Peninsula Borough**. The borough has a three-day hold for checks received for payment of recordation of resolutions.

The deadline to appeal the Planning Commission's approval is 15 days from the date of this notice. The resolution cannot be recorded until that period has expired. You may submit a letter stating you waive your appeal rights so that the resolution may be recorded promptly after the three day hold, if paid by check.

Please submit the exhibit drawing or as-built to be recorded with the Resolution. It must be prepared, signed and sealed by a licensed surveyor.

To ensure timely recording of this document, please send your check to our office (Planning Department, 144 N. Binkley St., Soldotna, AK 99669) no later than December 27, 2022 to allow for processing and time to submit to the recording office.

Sincerely,



Julie Hindman  
Administrative Assistant

Notice was mailed on October 18, 2022 to:

Tim and Kathy Crumrine Trust  
2522 S Balsam Way  
Lakewood, CO 80227-3140

David Bunce  
P.O. Box 226  
Sterling, AK 99610