



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-6
HOMER RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 2A BLOCK 5, NINILCHIK TOWNSITE JACKINSKY-VANEK REPLAT ((HM 97-79); IN NE 1/4 S34, T01S, R14W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2023-025

WHEREAS, per KPB 20.30.240 – Building Setbacks, a minimum twenty-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities; and

WHEREAS, Rion and Betsy Vanek of Ninilchik, AK requested a building setback encroachment permit to the twenty-foot building setback granted by Ninilchik Townsite Jackinsky-Vanek Replat (HM 97-79); and

WHEREAS, per the petition, a portion of the house is within the setback at a maximum distance of 6.5 feet and the attached deck is within the setback at a maximum distance of 8.3 feet; and

WHEREAS, the encroaching structure will not obstruct line of sight for traffic; and

WHEREAS, on Monday, April 10, 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 twenty-foot building setback limit on (HM 97-79) Lot 2A Block 5, Ninilchik Townsite Jackinsky-Vanek Replat is hereby excepted to accommodate only the encroaching portion of the house and deck within the setback along Bayview Street.

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

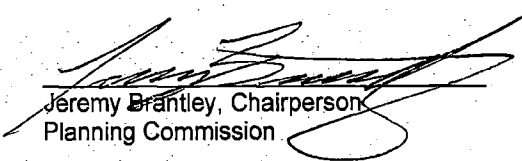
Section 3. That the twenty-foot building setback limit shall apply to the remainder of said lot.

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.

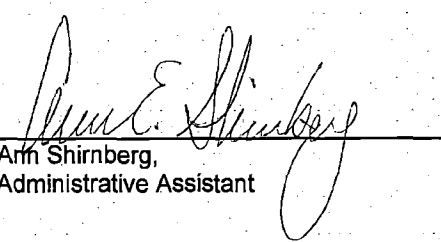
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

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

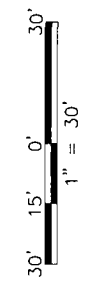
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 10TH DAY OF APRIL, 2023.


Jeremy Brantley, Chairperson
Planning Commission

ATTEST:


Ann Shirnberg,
Administrative Assistant

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



LEGEND

- ⊕ FOUND 6" IRON PIPE
- ⊗ FOUND 1/2" REBAR

NOTES

1. A TITLE REPORT WAS NOT PREPARED FOR THIS SURVEY. ADDITIONAL RECORDED AND UNRECORDED EASEMENTS MAY EXIST.
2. DIMENSIONS ARE TO THE FACE OF THE BUILDING.
3. BEARINGS AND DISTANCES ARE FROM FIELD MEASUREMENTS AND PLAT HM 97-79.

SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HERON, AND THE IMPROVEMENTS EXIST AS SHOWN.

Jason L. Schollenberg 03/01/2023
 JASON L. SCHOLLENBERG DATE
 PLS 14488-S

PENINSULA SURVEYING, LLC

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

AS-BUILT SURVEY
 LOT 2A, BLOCK 5, NINILCHIK TOWNSITE
 JACKINSKY VANEK REPLAT
 NW1/4 SECTION 34, T1S, R14W, S.M.

SCALE: 1" = 30'	DATE: 03/01/2023
DRAWN: JLS	SHEET: 1 OF 1

