



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2022-45
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE 20-FOOT BUILDING SETBACK ADJOINING THE SOUTH BOUNDARY OF LOT 15, BLOCK 5, LAKE VIEW TERRACE #2 (KN 87-33), GRANTED BY LAKE VIEW TERRACE #2 (KN 87-33); IN SE1/4 SE1/4 SECTION 18, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH. KPB FILE 2022-143

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, Tim and Kathy Crumrine Trust of Lakewood, Colorado requested a building setback permit for a portion of a home, sidewalk, and retaining wall; and

WHEREAS, per the as built survey shows that a portion of the sidewalk is within the 20 foot building setback adjoining Holly Avenue. The structure encroaches 2.7 feet into the building setback; and

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

WHEREAS, on October 10, 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 the Planning Commission found that granting the building setback permit will not be detrimental to the public interest; and was heard at the May 22, 2023 the Kenai Peninsula Borough Planning Commission to review the final as-built and adopt the resolution.

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 sidewalk 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.

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

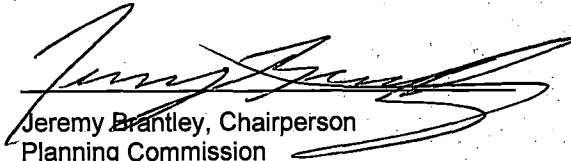
Section 3. That the twenty-foot building setback shall apply to the remainder of said lot.

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 encroachment permit to be granted be attached to and made a part of this Resolution, becoming page 2 of 2.

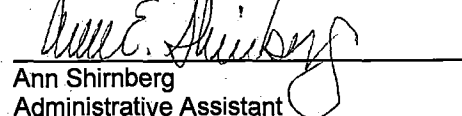
Section 5. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

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 22nd DAY OF MAY, 2023.


Jeremy Brantley, Chairperson
Planning Commission

ATTEST:


Ann Shirnberg
Administrative Assistant

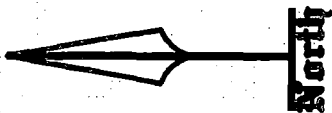
Return to:
Kenai Peninsula Borough Planning Department
144 North Binkley Street, Soldotna, Alaska 99669



Whisper Lake

Lot 15
Block 5

Lot 14



N00°08'17"W
69.36'

S36°00'30"E 187.29'

N48°31'22"E 333.37'

2nd story deck

House

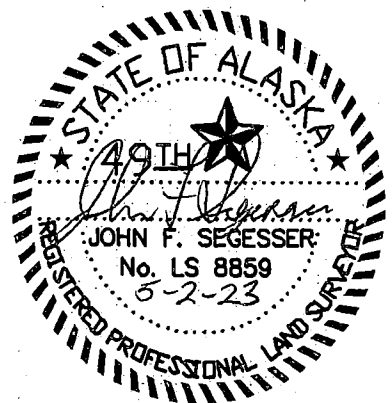
Driveway

Well

20' Building setback
10' Utility easement

S89°59'24"E 360.00'

Holly Ave



ASBUILT CERTIFICATION

LEGEND

- Found Rebar
- ⊙ Sewer vent

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.

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