

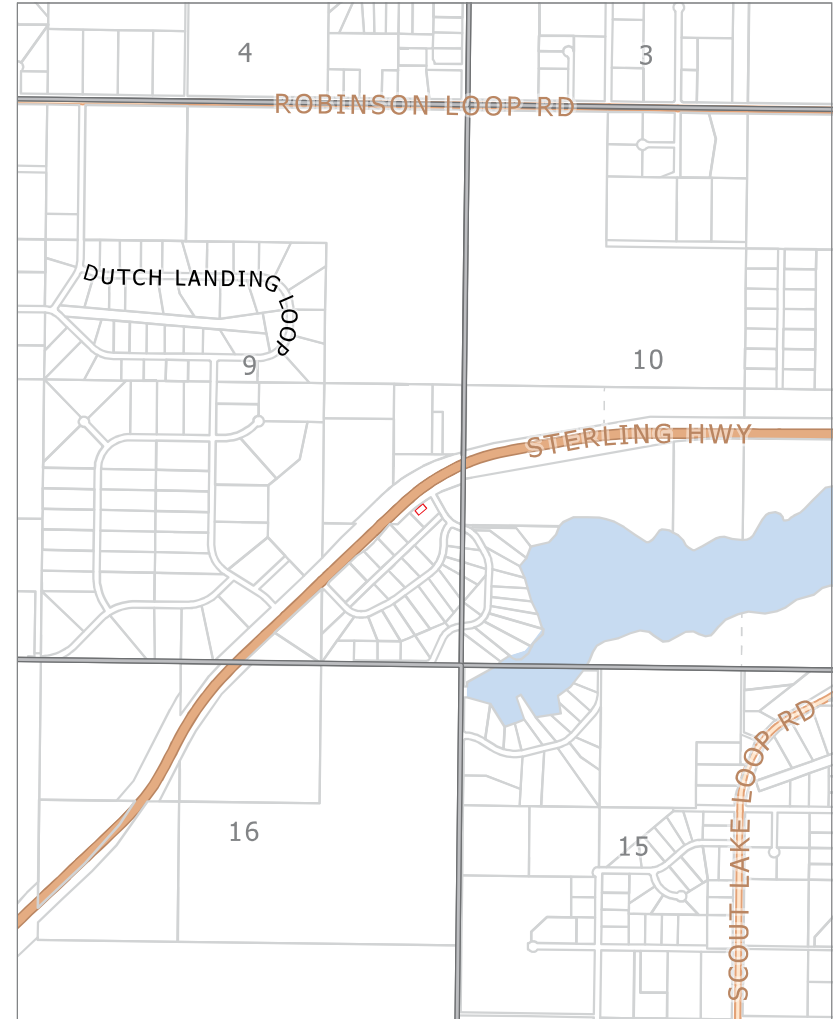
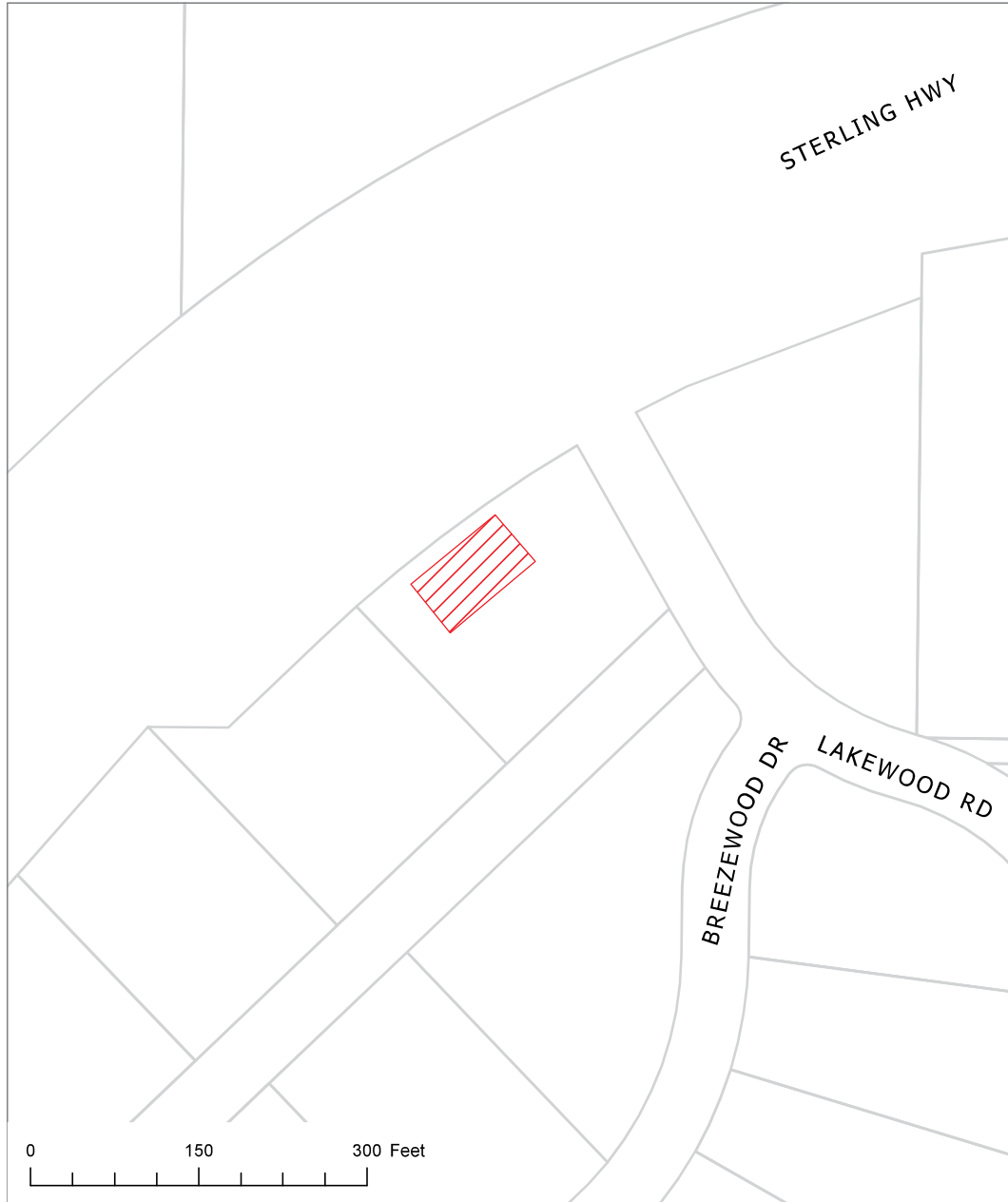
E. NEW BUSINESS

1. Building Setback Encroachment Permit; KPB File 2023-094

Petitioner/Landowner: Parker, Downs

**Request: 4.7-foot portion of a hangar & well to remain in the
20-foot building setback**

**Location: Block 1, Lot 1 Lakewood Estates Amended Subdivision;
Plat KN 2004-88
Sterling Area**

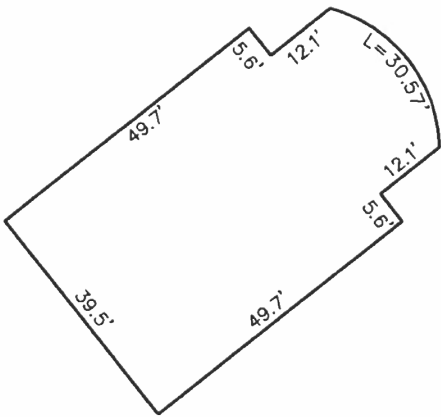


KPB File 2023-094
T 05N R 09W SEC 09
Sterling



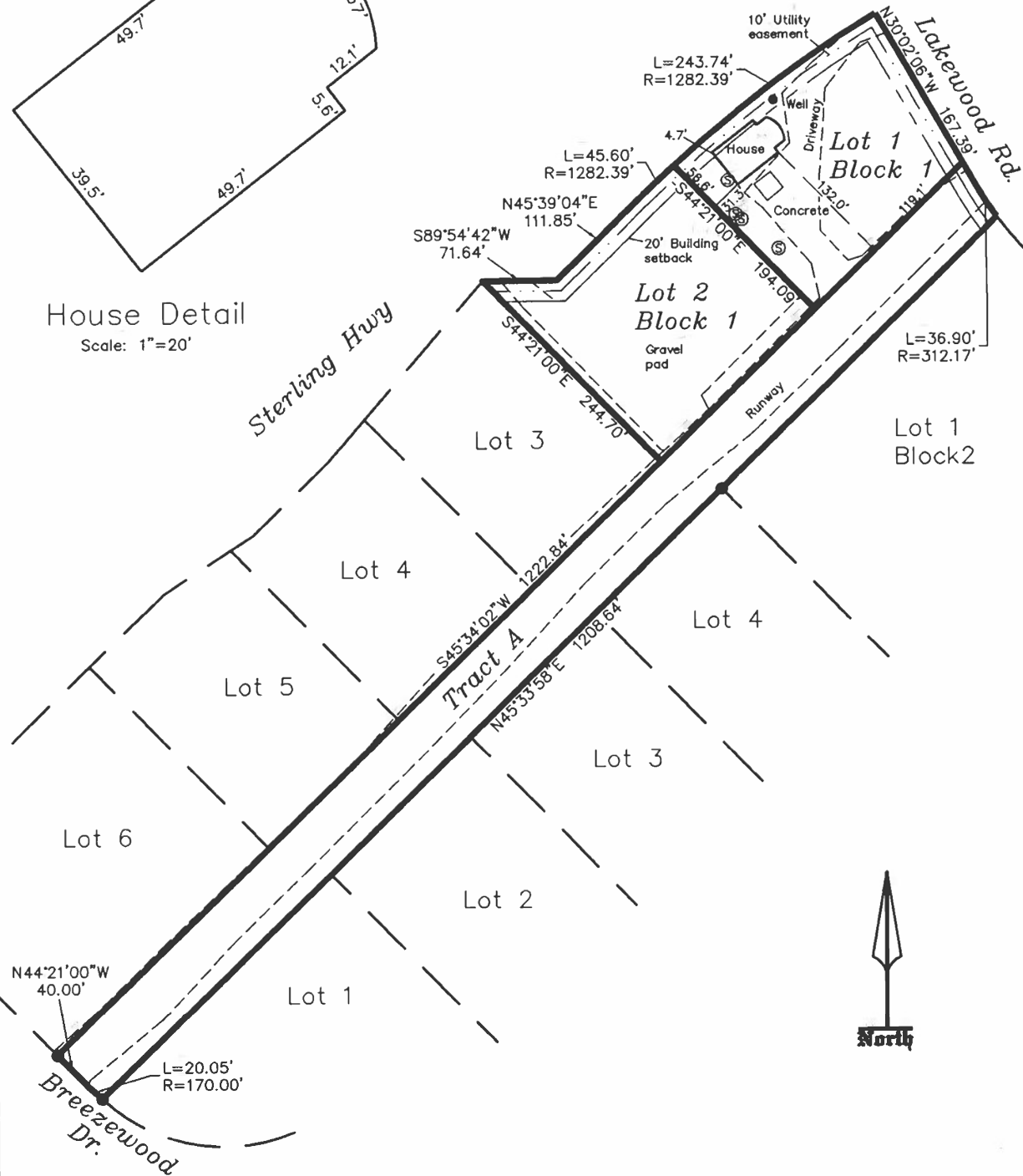
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

KPB 2023-094



House Detail

Scale: 1"=20'



ASBUILT CERTIFICATION

LEGEND

- Found Rebar
- ⊙ Sewer vent

KENAI RECORDING DISTRICT Plat: 97.37

Date: 8-28-23 Scale: 1"=100' Drawn: JFS

Job: 23198 Book: 23-3

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

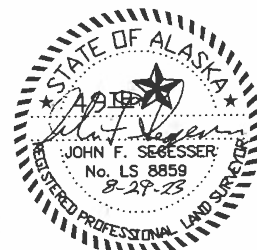
I hereby certify that I have surveyed the following described property:

Lots 1 and 2 Block 1, Tract A
Lakewood Estates

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 - LAKEWOOD ESTATES AMENDED

KPB File No.	2023-094
Planning Commission Meeting:	September 25, 2023
Applicant / Owner:	Stephen Parker of Montgomery, Texas
Surveyor:	John Segesser / Segesser Surveys
General Location:	Sterling Highway and Lakewood Road, Sterling Area

Parent Parcel No.:	063-021-03
Legal Description:	T 5N R 9W SEC 9 Seward Meridian KN 2004088 Lakewood Estates Amended Lot 1 BLK 1
Assessing Use:	Commercial
Zoning:	Rural Unrestricted
Resolution	2023-29

STAFF REPORT

Specific Request / Purpose as stated in the petition: Stone hanger/house and well is in the building setback. Not known until as built was for sale and completed in 2023. We request to waive the public comment 15 day wait.

Site Investigation: Per the as built submitted there is a house / hangar constructed in the 20-foot building setback along the Sterling Highway. The subject parcel is located on the corner of Sterling Highway and Lakewood Road. Sterling Highway is maintained by the State of Alaska and Lakewood Road is maintained by the Kenai Peninsula Borough (KPB).

The building setbacks were granted along all dedicated rights-of-ways by Lakewood Estates Amended KN 2004-88 originally recorded under KN 97-37.

The structure labeled "House" on the as built encroaches 4.7 feet by 49.7 feet in the building setback. The as built also shows a well casing in the building setback. Per KPB code 20.90 - Definitions - Permanent structures wells casing is an allowable improvement and this permit will not include the well. The subject parcel is 40.586 square feet or 0.932 acres with the southern boundary fronting along what appears to be a runway. The runway parcel is shown as Tract A on the as built, but the correct designation is Tract B as shown on Lakewood Estates Amended, KN 2004-88. According to Assessing records the encroachment was constructed in 2008.

There are street views available from Google Earth and can be found in the packet. There is a treed buffer between the encroachment and the Sterling Highway and does not appear to impede line of sight.

Staff Analysis: The subdivision was created from an aliquot parcel and a government lot by Lakewood Estates KN 97-37. On October 26, 2004 an amended plat was recorded as KN 2004-88, revising the curve on the subject lot. The 20-foot building setback with the front 10 feet being a utility easement were granted on the parent plat. No other platting actions have happened for this parcel.

Terrain for the subject parcel is flat and there are no classified wetlands within the subject parcel.

Findings:

1. The parcel is 0.932 acres with room for additions further within the lot.
2. There is no steep terrain or wetlands within the parcel.
3. 15.3 feet of the setback will remain open.
4. There are no line-of-sight issues.
5. There is a runway to the south of the parcel.
6. There is a treed buffer between the Sterling Highway and the encroachment.
7. The building setback was granted on Lakewood Estates KN 97-37 amended by 2004-88.
8. The structure was built in this location by mistake.
9. The structure has been there for 15 years.

20.10.110. – Building setback encroachment permits.

- E. The following standards shall be considered for all building setback encroachment permit applications. Staff recommends the Commission select the findings they determine are applicable to the standards and vote on them:

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

Findings 3, 4, 6 & 9 appear to support this standard.

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

Findings 3, 6 & 9 appear to support this standard.

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

Findings 2, 3, 4, 6 & 9 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: Griebel, Scott Comments: The setback encroachment borders an AK DOT managed ROW. The Row does appear to widen substantially in this vicinity. No RSA protest or additional comments.
SOA DOT comments	DOT ROW Engineering has no comments on these setbacks. – Engineering
KPB River Center review	A. Floodplain Reviewer: Hindman, Julie 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: VACANT Comments:
State of Alaska Fish and Game	
Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 38371 LAKEWOOD RD Existing Street Names are Correct: Yes List of Correct Street Names: LAKEWOOD RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: No other comments
Code Compliance	Reviewer: Ogren, Eric Comments: encroachment into the 20 ft set back is a violation, this would need to be approved to be in compliance with KPB Code.
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

RECOMMENDATION:

Based on the standards to grant a building setback encroachment permit, **staff recommends** to adopt Resolution 2023-29, 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

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-29
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK ADJOINING THE NORTH BOUNDARY ALONG THE STERLING HIGHWAY FOR LOT 1 BLOCK 1, LAKEWOOD ESTATES AMENDED (KN 0970037); IN NE 1/4 S09, T05N, R09W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2023-094

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, Stephen Parker of Montgomery, TX requested a building setback encroachment permit to the 20-foot building setback granted by Lakewood Estates Amended (KN 0970037); and

WHEREAS, per the petition; and the as built submitted showing a house encroaching 4.7 feet by 49.7 feet into the 20-foot building setback; and

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

WHEREAS, on Monday, September 25, 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. Approved a permit to allow only the encroaching portion of the house that extends 4.7 feet into the 20-foot building setback adjoining the Sterling Highway right-of-way on the north boundary of Lot 1 Block 1 Lakewood Estates Amended (KN 0970037).

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.

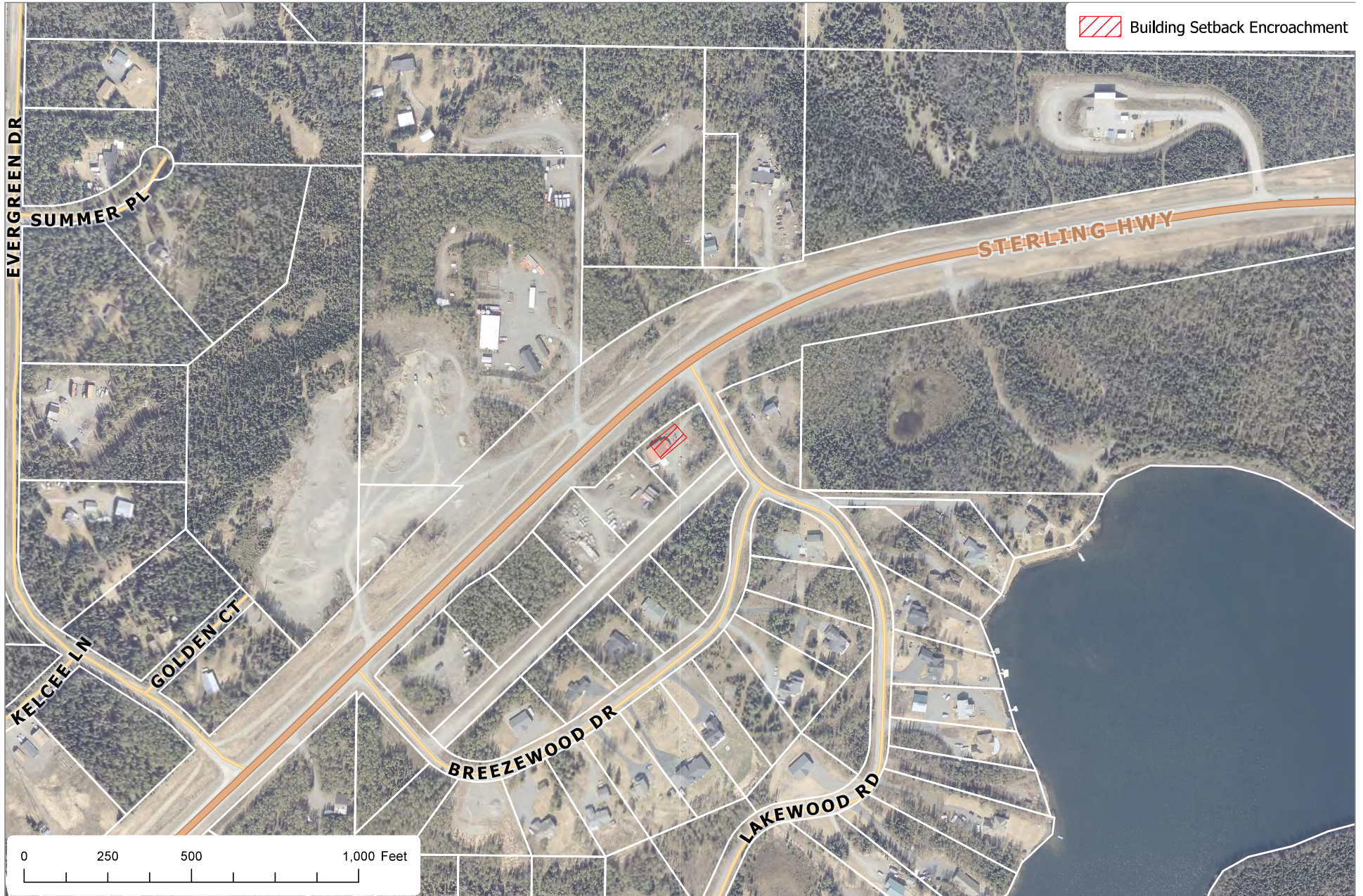
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2023.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

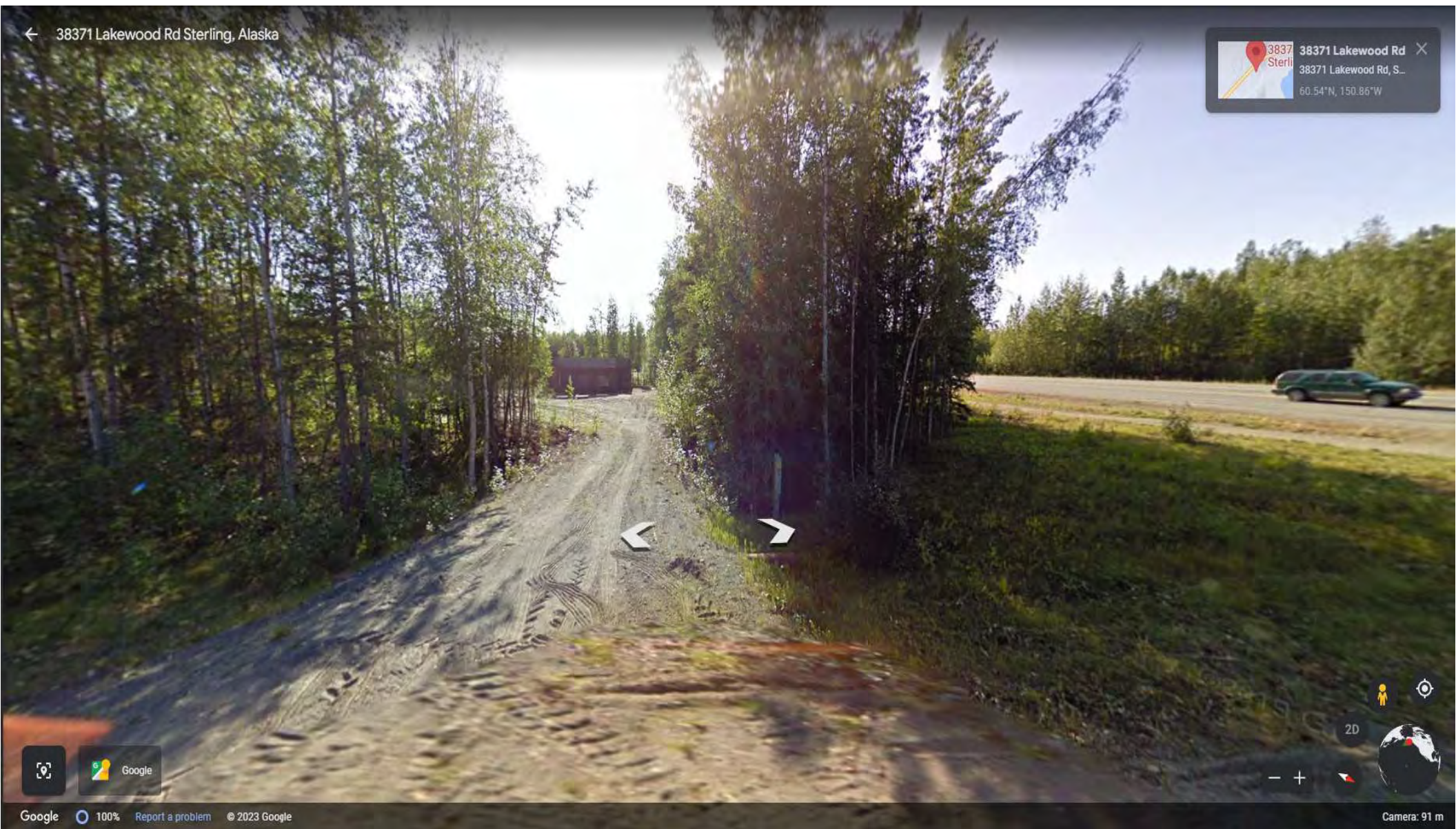
Ann Shirmberg,
Administrative Assistant

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



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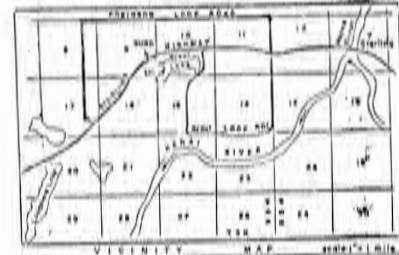
Images taken from Google Earth by staff on 9/6/2023 MQ



ESTATES

located in the SE 1/4 of Section 9 and south of the Starling Highway right of way
and in the NW 1/4, SW 1/4 of Section 10, and have lots in the NE 1/4, SE 1/4, Sec 8, T 8 N R 9 W
Mendota Reservation District, A L A S K A.
N P B File no 97-048

This plan was approved by the Keweenaw Peninsula Borough Planning Commission at the meeting of May 13, 1977
Keweenaw Peninsula Borough by [Signature]
Authorized Official



We hereby certify that we are the owners of the property shown and described herein, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all right-of ways in public use and grant all easements to the use shown.

James R. Davis
 JAMES R. DAVIS
 PO BOX 255, SULLY, OH 44085

James R. Davis
 JAMES R. DAVIS
 P.O. BOX 255, SULLY, OH 44085

NOTARY'S ACKNOWLEDGEMENT
 Subscribed and sworn to before me on 10/10/90
 (This initial day of October 1990)
 For:
 James R. Davis
 JAMES R. DAVIS

(NOTARY PUBLIC)

FOR ALABAMA 10/1/79
MY COMMISSION EXPIRES 2/1/80
10/1/79

NOTARY'S ACKNOWLEDGMENT
Subscribed and sworn before me
this 11th day of October 1961
at _____

NOTARY PUBLIC

LAKE

WASTEWATER DISPOSAL: Soil conditions, water table levels and soil slopes in this subdivision have been found suitable for sewer/landfill septic wastewater treatment and disposal systems serving single-family to duplex residences and meeting the regulatory requirements of the Miami Peninsula Borough. Any other type of on-site wastewater treatment and disposal system must be designed by a professional engineer, registered in Florida, and the design must be approved by the Miami Department of Environmental Conservation.

[illegible]

(AMENDED)

LAKEWOOD

ESTATES

NOTES

1. A building setback of 20' is required from all street right-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
2. No structures permitted in unshaded portion of 101-1 and 2 Block 1.
3. No structures shall be placed or constructed in an easement which would interfere with the ability of a utility to use the easement.
4. No direct access to state maintained right-of-way permissive unless approved by the State of Alaska Department of Transportation.
5. Sterling Highway right-of-way and curve cuts from State of Alaska right-of-way map (R 043-131) (rotated to subdivision base bearing).
6. The front 10' feet of the building setback and the entire setback within 5 feet of the side lot lines is also a utility easement.
7. The natural meanders of the ordinary shore line of Beaul Lake forms the true limits of lot lines.

Amendments made to this plot are indicated by ()

Amendments made in curve table are indicated by a circled number

Areas to Tract-A, Lot-2 Block-1; Lot-10 Lot-15 Block-1

and indicated by ()

No other changes were made to this plot. By ()

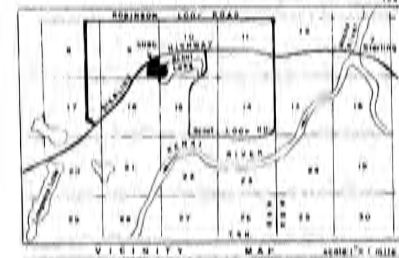
COMPRISED OF TOTAL 88.457 ACRES

located in the SE 1/4 of Section 9 and south of the Sterling Highway right-of-way and in the SW 1/4 of Section 10, and West LOT-5 into NE 1/4, SE 1/4, SW 1/4, NW 1/4, Ketchikan Borough District, A L A S K A

K.P.D. File No. 97-045

PLAN APPROVAL

This plan was approved by the Ketchikan Borough Planning Commission at the meeting of ()
Ketchikan Borough by ()
Authorized Official



CERTIFICATION OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described herein, and that we hereby adopt this plan of subdivision, and by our free consent dedicate all right of ways to public use and grant all easements to the use shown

Dennis H. Woods
P.O. Box 555, Ketchikan, AK 99901
Dennis H. Ole
P.O. Box 555, Ketchikan, AK 99901

NOTARY'S ACKNOWLEDGMENT
Subscribed and sworn before me this () day of () 1997
For:
Dennis H. Woods
Dennis H. Ole

NOTARY PUBLIC
FOR ALASKA
MY COMMISSION EXPIRES ()

WARRANTY TO ABANDON THAT

NOTARY'S ACKNOWLEDGMENT
Subscribed and sworn before me this () day of () 1997
For:
Raymond A. McHitt
P.O. Box 22440, Anchorage, AK 99502
Doris J. McHitt
P.O. Box 22440, Anchorage, AK 99502

NOTARY PUBLIC
FOR ALASKA
MY COMMISSION EXPIRES ()

SCOUT
LAKE

WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single family or duplex residences and meeting the regulatory requirements of the Ketchikan Borough. Any other type of on site wastewater treatment and disposal system must be designed by a professional engineer, registered in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Registered engineer: Ted J. Frost, P.E., License No. ()

CURVE DATA		COMPONENT CURVE DATA INTEGRATED BY CIRCLED NUMBER																			
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19	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
20	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000