

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2021-30
KENAI RECORDING DISTRICT**

GRANT A BUILDING SETBACK ENCROACHMENT PERMIT TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK FOR LOT 1 BLOCK 5, KENAI RIVER KEYS SUBDIVISION AMENDED PLAT (KN 92-44); IN NE1/4 S35, T05N, R08W; SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2021-131

WHEREAS, the plat for Kenai River Keys Subdivision was recorded on November 3, 1972 (KN 72-62) and created 20 foot building setbacks from private road easements, and the plat was amended with no changes to the 20 foot building setback on September 16, 2021 (KN 92-44); and

WHEREAS, Patty E. Conatser and James W. Conatser of Sterling, AK requested a building setback encroachment permit to the 20-foot building setback granted by Kenai River Keys Subdivision Amended Plat (KN 92-44); and

WHEREAS, the owners are selling the house and the title company needs a waiver on the corner of the house being in the 20 foot building setback. They purchased the property from the man that built it in the early 1970s. It was a cash sale with no as-built, therefor, no knowledge of the 20 foot setback; and

WHEREAS, the encroaching structures do not affect sight distance along the private right-of-way; and

WHEREAS, on Monday, September 27, 2021, 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 KN 92-44 Lot 1 Block 5 is hereby excepted to accommodate only the encroaching portions of the existing house and shed.

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 is not being removed or altered.

Section 4. That a current as-built survey or exhibit drawing be 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 27th DAY OF SEPTEMBER 2021.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg,
Administrative Assistant

Return to:
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Kenai Peninsula Borough
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