



Homer City Hall

491 E. Pioneer Avenue

Homer, Alaska 99603

www.cityofhomer-ak.gov

City of Homer Agenda

City Council Special Meeting as Board of Adjustment

Tuesday, March 09, 2021 at 5:30 PM

City Hall Cowles Council Chambers via Zoom Meeting

Dial: +1 669 900 6833 or +1 253 215 8782 or Toll Free 877 853 5247 or 888 788 0099

Meeting ID: 990 5235 7397 Passcode: 401884

CALL TO ORDER

AGENDA APPROVAL (Only those matters on the noticed agenda may be considered, pursuant to City Council's Operating Manual, pg. 6)

PUBLIC COMMENT ON MATTERS ALREADY ON THE AGENDA (3 minute time limit)

PENDING BUSINESS

- a. Memorandum from City Clerk Re: Appellant Request for Consideration of New Evidence and Vitiating in the appeal to the Board of Adjustment by Frank Griswold regarding the Planning Commission Decision on Conditional Use Permit 20-15 under HCC 21.18.040(b)(4) a building within the twenty foot building setback and HCC 21.18.040(d) building area in excess of 30 percent of the lot area on a lot in the central business district on Chamberlain & Watson No. 4, Lot 1-A and T 6S R 13W SEC 19 Seward Meridian HM 2011002 Inlet Trading Post Condominiums Unit 2 at 106 W. Bunnell Avenue, Homer, Alaska.
- b. Adjourn to Executive Session for the Purpose of Continuing Deliberation of the Appeal of CUP 20-15.

NEW BUSINESS

COMMENTS OF THE AUDIENCE

ADJOURNMENT

Next Regular City Council Meeting is Monday, March 22, 2021, at 6:00 p.m. Committee of the Whole at 5:00 p.m. All meetings are scheduled to be held via Zoom Webinar in the City Hall Cowles Council Chambers located at 491 E. Pioneer Avenue, Homer, Alaska.



City of Homer

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Office of the City Clerk

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Homer, Alaska 99603

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(f) 907-235-3143

Memorandum

TO: Board of Adjustment

FROM: Melissa Jacobsen, MMC, City Clerk

DATE: February 27, 2021

SUBJECT: Appellant Request for Consideration of New Evidence and Vitiating the appeal to the Board of Adjustment by Frank Griswold regarding the Planning Commission Decision on Conditional Use Permit 20-15 under HCC 21.18.040(b)(4) a building within the twenty foot building setback and HCC 21.18.040(d) building area in excess of 30 percent of the lot area on a lot in the central business district on Chamberlain & Watson No. 4, Lot 1-A and T 6S R 13W SEC 19 Seward Meridian HM 2011002 Inlet Trading Post Condominiums Unit 2 at 106 W. Bunnell Avenue, Homer, Alaska.

Attached for the Board of Adjustment's consideration is an email from Appellant Frank Griswold submitted to the City Clerk's office February 13, 2021 entitled *CUP 20-15 Undisclosed Property Owners; Motion for Remand/Vitiation*.

From: [Frank Griswold](#)
To: [Melissa Jacobsen](#)
Subject: CUP 20-15 Undisclosed Property Owners; Motion for Remand/Vitiation
Date: Saturday, February 13, 2021 9:38:04 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Melissa,

The Application for CUP 20-15 identifies the KPB Tax ID # of the subject property as 17516052 and the property owner as Melody Livingston. [R. 19] Staff Report 20-63 identifies Melody Livingston as "Land/restaurant owner (Wild Honey Bistro)" and identifies the subject Parcel ID as: "17516052 (parcel) 17516052CO01 Unit 1, 17516052CO02 Unit 2." [R. 7] KPB records indicate that Lewis Morris is co-owner of Wild Honey Bistro as does an article in the July 14, 2014 edition of the Homer Tribune entitled "Kodiak couple opens creative creperie." KPB records further indicate that Parcel 17516052 is owned by Inlet Trading Post LLC and contains no improvements while (condo) Parcel 17516052CO01 pertains to the Inlet Trading Post and (condo) Parcel 17516052CO02 pertains to Wild Honey Bistro, both which have improvements. The Alaska Division of Corporations website indicates that Inlet Trading Post LLC is 60% owned by Asia Freeman and 40% owned by Michael Walsh. In her letter to the Commission, Asia Freeman identified herself as Artistic Director of Bunnell Street Arts Center [R. 54]. The true ownership interests in the subject property were clearly not disclosed and this cannot now simply be dismissed as harmless error. When the Commission considered what proved to be the highly influential comments of Asia Freeman, it had the right to know that she was more than just the director of an adjoining art studio. Planning Commissioners and/or members of the Board of Adjustment might have disqualifying financial conflicts of interest or conflicts of bias due to their personal or business relationships with Michael Walsh, Asia Freeman, and/or Lewis Morris. Pursuant to HCC 21.93.510(c), I hereby request that the Board of Adjustment consider this new evidence for the purposes of conflict of interest, ex parte contact, and/or partiality disclosures and remand to the Commission so that it can consider it for these disclosures as well. Alternatively and pursuant to HCC 21.93.570, I hereby request that CUP 20-15 be summarily vitiated due to the gross insufficiency and deception of the Application and the irreparable effects the deliberate nondisclosure of the above-referenced property owners had on the Commission's Decision.

Frank