

**Office of Administrative Hearing (OAH) Record Index  
2023-0250-MUN**

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Certificate of Service: I certify that on June 8, 2023, the following documents were sent to: Office of Administrative Hearings (by email); Beachy Construction (by email); and Attorneys Michael Gatti & Max Holmquist (by email):

- Updated Index
- Application for Zoning Permit 0820-778 (numbered for the record)

by:   
Melissa Jacobsen, MMC, City Clerk



# City of Homer

www.cityofhomer-ak.gov

Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603  
Planning@ci.homer.ak.us  
(p) 907-235-3106  
(f) 907-235-3118

## Zoning Permit Application

### Property Owner

Name: William Overway Phone #(s): (907) 240-4729  
Mailing Address: 59805 Winter Wren Ct. City: Homer State: AK Zip: 99603  
Email: roniandbill@gmail.com

### Applicant (if different than the property owner)

Name: Beachy Construction, Inc. Phone #(s): 235-8876  
Mailing Address: 5243 Kachemak Dr. City: Homer State: AK Zip: 99603  
Email: matt@bcihomer.com

### Project Property Information

Address: \_\_\_\_\_ KPBTax ID #: 17908073  
Legal Description: Lot 17, Block 3 Commercial Park  
Lot Size: 1.08 acres Zoning District: \_\_\_\_\_  
Describe the use of all existing structures: private shop for personal boat storage and maintenance none

For each proposed structure, describe the use & list the square footage of each floor: private shop for personal boat storage and maintenance. Single floor 1,500 SF.

Estimated market value of finished improvements: \$300,000

Water Permit # (City) \_\_\_\_\_ Sewer Permit # (City) \_\_\_\_\_ Driveway Permit # \_\_\_\_\_

Will site be served by a: well or cistern? Y or  (N) (circle one) DEC approved septic system? Y or  (N) (circle one)

### For staff use:

Date: \_\_\_\_\_ Fee \$ 200 Residential \$200/Commercial \$300. SWP \$200 additional. Late fee 1.5 times.

Received by: TBS Date application accepted as complete \_\_\_\_\_

Finance Code 21-2106. Zoning Permit required by HCC 21.70

**Site development standards for all projects** (applies to all development in the City)

- Drainage design must deposit all runoff into either an engineered drainage system or into a natural drainage. Building setbacks are 15ft. from open ditches and 10 ft. from closed drainage systems.
- All exposed, cleared, filled and disturbed soils must be revegetated within 9 months of initial earthwork or reseeded by the next August 31<sup>st</sup>.
- Development activities shall not adversely impact other properties by causing damaging alteration of surface water drainage, surface water ponding, slope failure, erosion, siltation, intentional or inadvertent fill or root damage to neighboring trees, or other damaging physical impacts.

**All Projects in Any Zoning District** (Check all that apply)

New

- A **Site Plan** is required for all projects. This "bird's eye view" must show the entire lot and include all of the details found on the site plan checklist. See the attached example site plan.
- An **As-built survey** is required for all structures upon completion of work  
The survey must show the location and dimensions of permitted structures (see HCC 21.70.040)
- A **Building Elevation** drawing is required for all proposed buildings. Building height from grade to the peak of the roof must be included. See the attached example building elevation drawing.
- Lighting standards** apply to all projects (HCC 21.59.030)
  - Outdoor lighting must be installed so that it does not produce light trespass or glare
  - The maximum height for pole lighting is 28 ft. and for building-mounted lighting, it is 15 ft.
  - Outdoor lights installed 15 ft. or higher must be cut-off luminaires
- A **Wetlands Permit** may be required if your project is within a wetland. If the following map indicates wetlands on your property, then written authorization from the Army Corps of Engineers (ACOE) is required
  - Homer area wetland map source: <https://www.kpb.us/gis-dept/interactive-mapping>  
ACOE submission status: \_\_\_\_\_ ACOE POA #: \_\_\_\_\_
- A **Grading/Fill Plan** is required when 3 ft. of fill is placed over 25% of the lot area (HCC 21.50.150)
- Slope Development Standards** apply when the project includes any of the following: (HCC 21.44)
  - The average slope of the lot is greater than 15% (A rise of 15 ft. to 100 ft. run)
  - Disturbance takes place within 40 ft. of the top, or 15 ft. of the toe of a steep slope (45%), bluff, coastal bluff or ravine
- A **Storm Water Plan (SWP)** is required when the project includes any of the following: (HCC 21.50.020)  
*For projects located in commercial zoning districts, skip this subsection & see SWP section below*
  - Creates 25,000 square feet of new impervious surface
  - Increases the total impervious surface coverage to one acre or greater
  - Grading that moves 1,000 cubic yards of material
  - Creates a permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
- A **Sign Permit** is required for most projects that include advertising signage. Check with Planning Staff to find out if a permit is required for your project.
- A **Conditional Use Permit (CUP)** may be required under certain circumstances, including but not limited to the following:
  - The project includes a conditionally permitted use, as listed in the specific zoning district section of HCC Title 21
  - Building area exceeds 8,000 (all buildings combined) or 30% of the lot area
  - The project includes more than one building with a primary use
  - The project will generate traffic in excess of 100 vehicle trips per hour or 500 vehicle trips per day
- A **Coastal Flood Hazard Area Development Permit** is required when the project lies within mapped coastal flood hazard areas. For all projects on coastal properties, check with the Planning Office for current flood area designations.
- The **Bridge Creek Watershed Protection District** has additional restrictions for property development (see HCC 21.40)

N/A => Private Shop

All Projects in Commercial Districts including the Residential Office District when the project is commercial or multifamily residential (3-plex or larger) in nature (check all that apply)

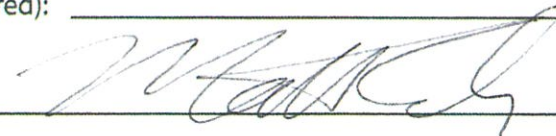
- State Fire Marshal** approval is required for all commercial buildings and apartment projects (4-units or more)  
Fire Marshal application Status: \_\_\_\_\_ Permit # \_\_\_\_\_
- Landscaping requirements** apply to all projects (HCC 21.50.030(f))
  - Landscaping shall include the retention of native vegetation to the maximum extent possible
  - A minimum buffer of 3 ft. along lot lines and 15 ft. along the top bank of a defined drainage
  - Topsoil addition, seeding, and plantings must be completed within 9 months of completion of project
  - Parking lots with 24 spaces or more have additional standards (see HCC 21.50.030(f)(1)(b))
- A **Development Activity Plan (DAP)** is required when your project includes any of the following (HCC 21.74):
  - Clearing or grading of 10,000 square feet or more
  - 5,000 square feet or more of new impervious coverage. "Impervious" coverage includes all parking areas, driveways, roads, walkways, whether paved or not, and any areas covered by buildings or structures, concrete, or asphalt
  - Grading that moves 1,000 cubic yards of material
  - A temporary or permanent slope of 3:1 or more that exceeds 5 ft. from toe of slope to top of slope
  - Grading activities that will result in the diversion of existing drainage courses, both natural or human-made, from their existing point of entry or exit from the grading site
  - Any land clearing or grading on slopes steeper than 20%, or within 20 feet of wetlands.
- A **Storm Water Plan (SWP)** is required when your project includes any of the following (HCC 21.50.030):
  - Creates 25,000 square feet of new impervious surface
  - Increases the impervious surface coverage to greater than 60% of the lot area
  - Grading of 1 acre or more
  - Grading that moves 10,000 cubic yards of material
  - A temporary or permanent slope of 3:1 or more that exceeds 10 ft. from toe of slope to top of slope
  - Land clearing or grading on slopes steeper than 25%, or within 10 feet of wetlands, streams, or ponds

I/we certify that all the information contained in this application is true and accurate and that I am/we are authorized to act on behalf of the property owner(s). I/we hereby hold harmless the City of Homer, its employees and agents from all suits, actions, or claims arising from any work undertaken.

The permit will be issued with the understanding that the City of Homer assumes no responsibility with regard to maintenance of private drainage systems that terminate in City ditch lines or drainages, including but not limited to foundation drains, proper location of lot lines, or site dimensions. Further, the City assumes no responsibility for the accuracy of any City-held drawings, or for the permittee's interpretation thereof.

I/we understand that the application fee covers the costs associated with processing this application, and that payment of same is nonrefundable and does not assure approval of the site plan. I/we acknowledge that by signing this application I am/we are authorizing employees or agents of the City access for exterior site inspections. This permit must be displayed so that it is readily visible from the nearest street, at the site for which the permit was obtained. If the exterior work is not completed by the permit's expiration date, one reasonable extension may be granted for good cause shown.

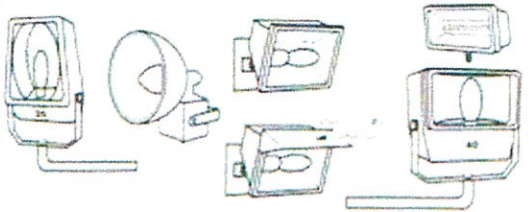
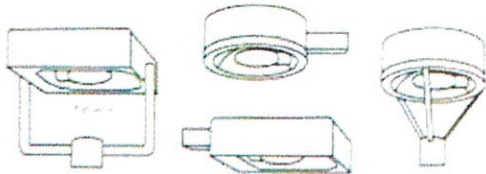
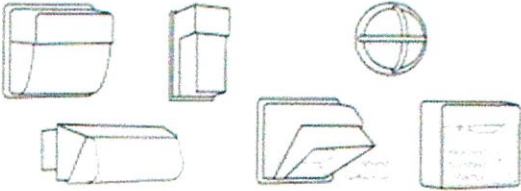

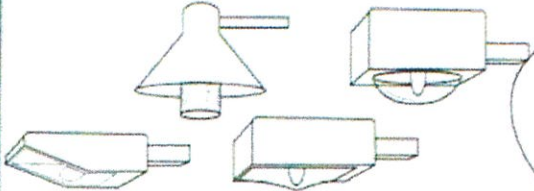

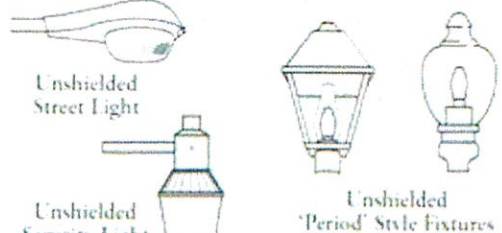
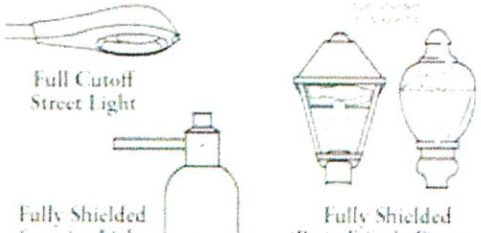


Owner Signature (required): \_\_\_\_\_ Date: \_\_\_\_\_

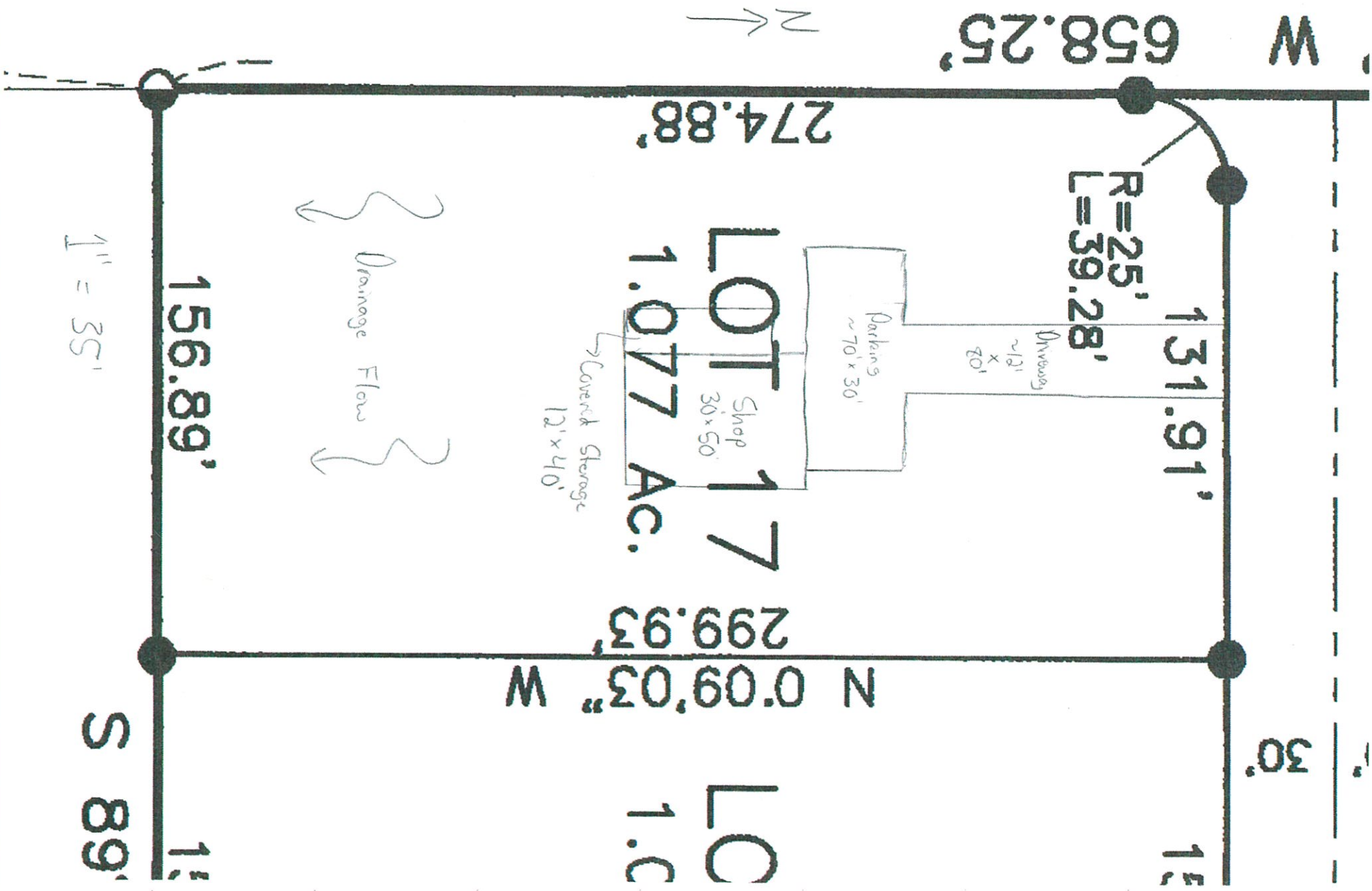
Applicant Signature:  \_\_\_\_\_ Date: 7/21/20

**Circle the type(s) of exterior fixtures to be used in your project below**

All exterior lighting is subject to level one lighting standards, according to HCC 21.59.030. Lighting standards aim to reduce glare and light trespass and to improve the nighttime visual environment.

Check this box if exterior lighting will not be installed or replaced with your project

<p>UNACCEPTABLE Fixtures that Produce Glare and Light Trespass</p>	<p>ACCEPTABLE Fixtures that Shield the Light Source to Minimize Glare and Light Trespass - Facilitating Better Night Vision</p>
 <p>Unshielded or Poorly-shielded Floodlights</p>	 <p>Full Cutoff Fixtures</p>
 <p>Unshielded Wallpacks &amp; Poorly-shielded Wall Mount Fixtures</p>	 <p>Fully-shielded Wallpack &amp; Wall Mount Fixtures</p>
 <p>Drop-lens &amp; Sag-lens Fixtures with Exposed Bulb/Refractor Lens</p>	 <p>Fully-shielded Fixtures</p>
 <p>Unshielded Street Light</p> <p>Unshielded Security Light</p> <p>Unshielded 'Period' Style Fixtures</p>	 <p>Full Cutoff Street Light</p> <p>Fully Shielded Security Light</p> <p>Fully Shielded 'Period' Style Fixtures</p>
 <p>Unshielded PAR Floodlights</p> <p>Drop-lens Canopy Fixtures</p>	 <p>Shielded/Properly Aimed PAR Floodlights</p> <p>Flush Mounted Canopy Fixtures</p>



LC  
1.C



# City of Homer

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Planning  
491 East Pioneer Avenue  
Homer, Alaska 99603  
Planning@ci.homer.ak.us  
(p) 907-235-3106  
(f) 907-235-3118

## SITE PLAN

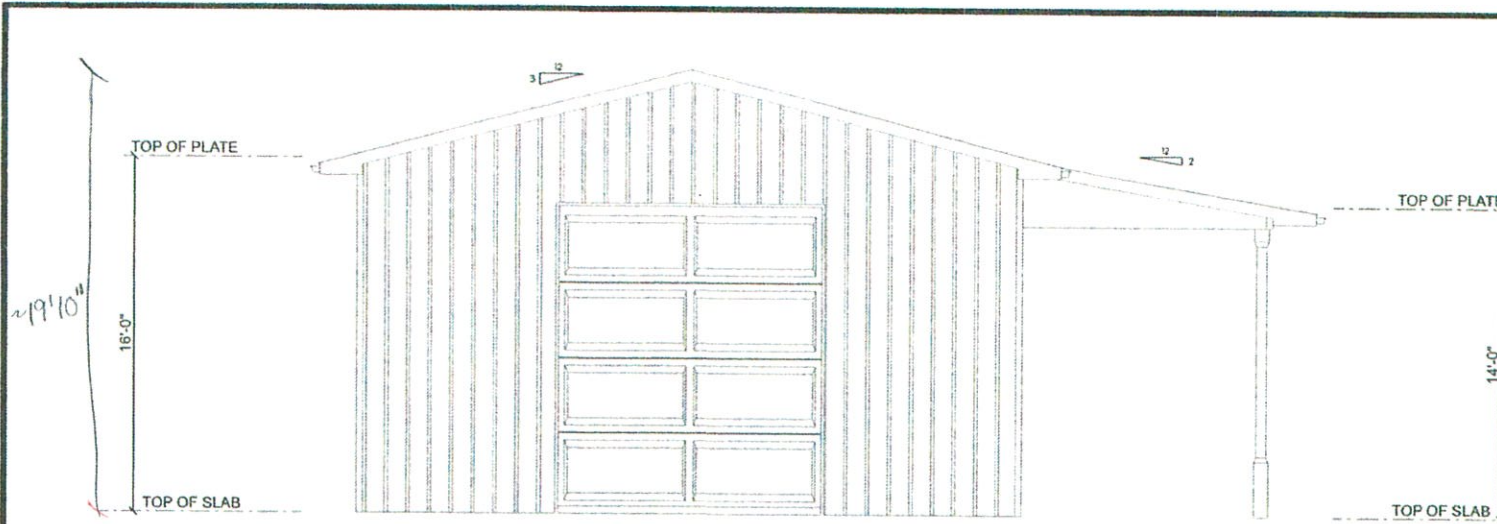
Address: Lot 17 Block 3 Commercial Park

A site plan is a detailed scaled drawing which depicts the current and proposed improvement and uses of a parcel of land.

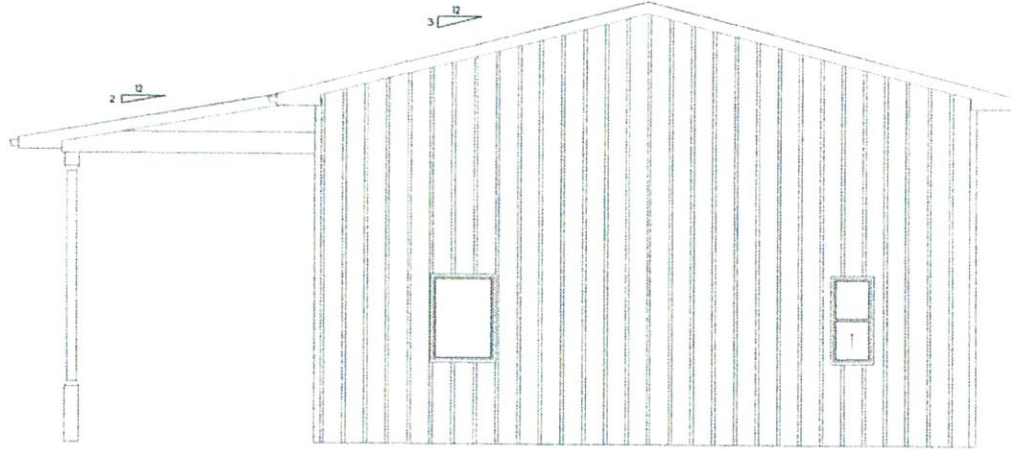
Drawing your site plan is easier than you might expect. With accurate measurements, pencil, paper and a ruler you can draw a site plan right at home. For more complex projects you may need professional expertise.

**Below is a checklist of items that should be on your site plan.** For items that do not apply to your project simply indicate N/A over the checkbox.

- Scale factor. For example, 1" = 20 ft. for smaller lots or 1" = 50 ft. for larger lots.
- North arrow
- All property lines and their dimensions
- All known easements – utility, drainage, driveway, etc.
- Exterior dimensions of proposed and existing structures, including additions, decks, and stairways.
- Building setbacks - distance from all structures to nearest property lines. Front property line(s) (property lines abutting a right-of-way) require a 20 ft. setback. Setbacks for other property lines are 5 – 8 ft., depending on the number of stories. Setbacks are measured from the property lines, NOT the road.
- Site work - Areas affected by excavating, filling, grading, or vegetation removal (with soil disturbance)
  - label the building location(s) disturbed area
  - label areas used for driveway/parking/maneuvering
  - approximate volume of excavated material: \_\_\_\_\_ cubic yards
  - approximate volume of filled material: \_\_\_\_\_ cubic yards
  - label areas of disturbed soil that will be revegetated naturally or landscaped (indicate areas of seeded grass or plantings such as trees and shrubs)
  - label limits of undisturbed vegetation
- Draw and label adjacent roads
- Label length and width of driveways & parking spaces (standard space is 9' x 19')
- Drainage – Indicate direction of surface flow, label structures such as ditches, french drains & swales
- Show wetland boundary if applicable



**FRONT ELEVATION**  
SCALE: 3/16" = 1'-0"



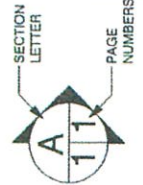
**REAR ELEVATION**  
SCALE: 3/16" = 1'-0"

**Overway Shop**

PHONE:  
FAX:  
MOBILE:

DRAWN BY:  
SCALE: 3/16" = 1'-0"  
DATE: Monday, July 20, 2020

PAGE: **1/3**  
Elevations 1

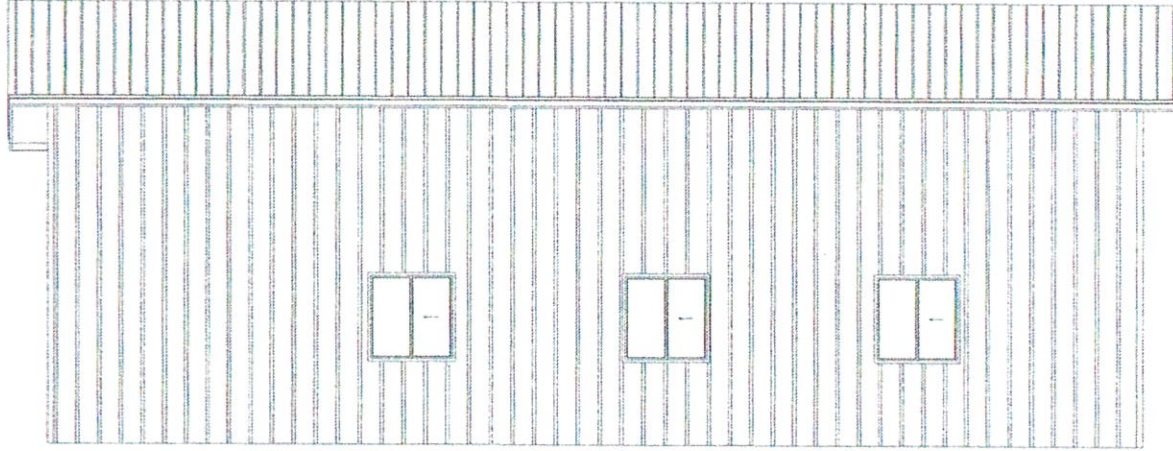


**SOFTPLAN**  
ARCHITECTURAL DESIGN SOFTWARE

**Beachy Construction, Inc.**

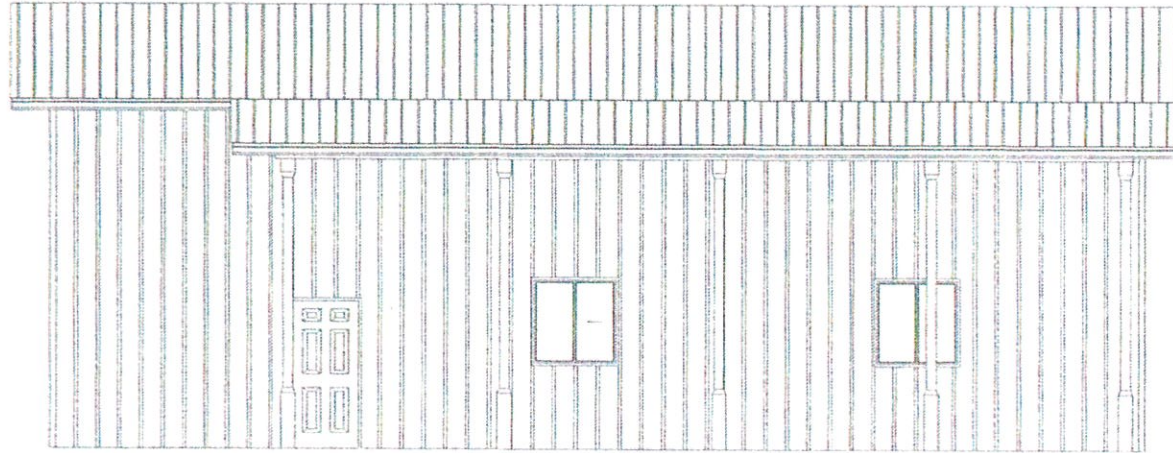
5243 Kachemak Drive  
Homer AK 99603  
PHONE: 907-235-8876  
FAX: 907-235-5521  
MOBILE: matt@bchhomer.com





**SIDE ELEVATION 1**

SCALE: 3/16" = 1'-0"



**SIDE ELEVATION 2**

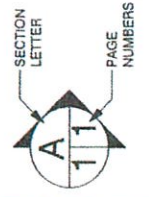
SCALE: 3/16" = 1'-0"

**Overway Shop**

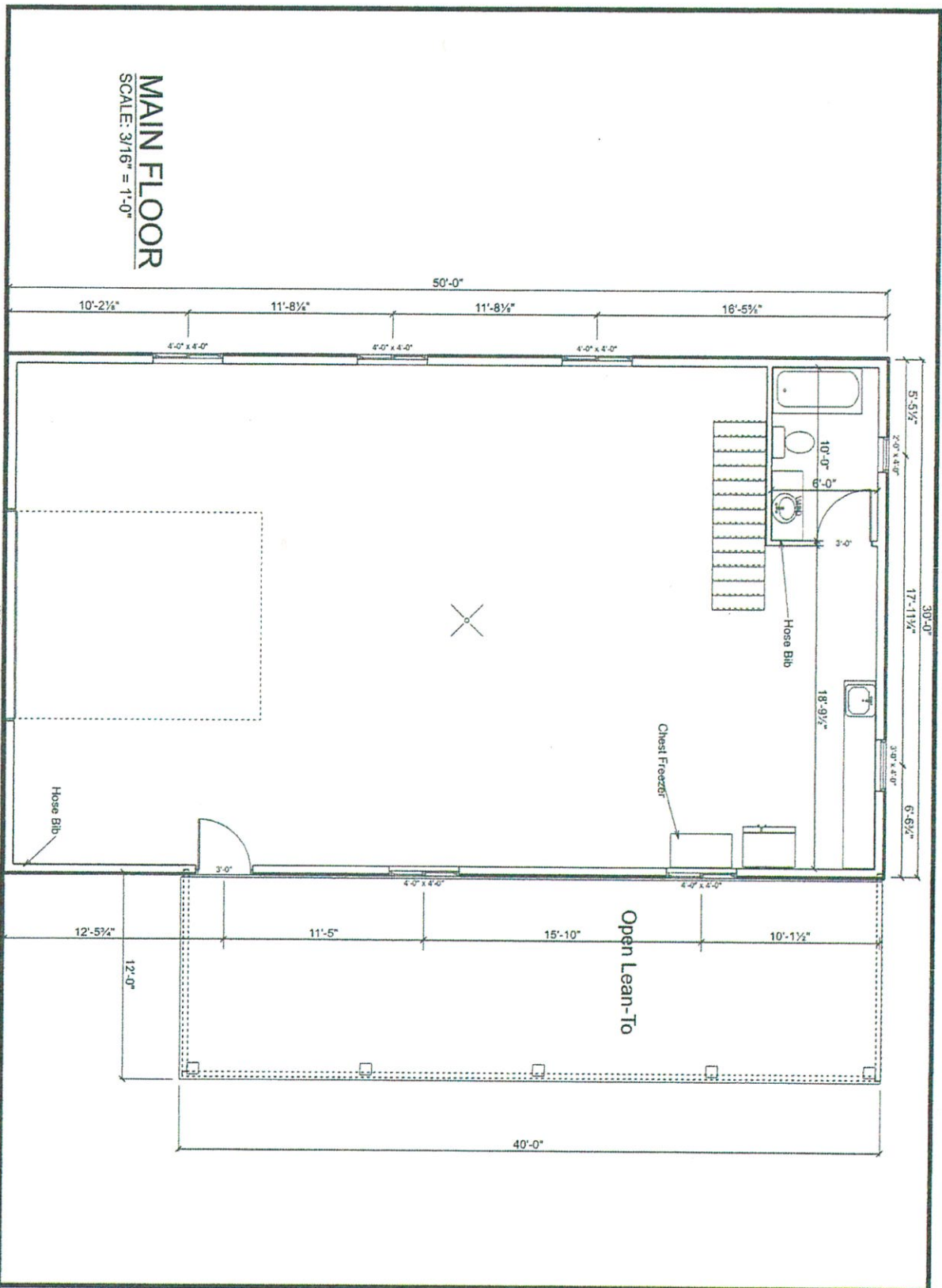
PHONE:  
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MOBILE:

DRAWN BY: \_\_\_\_\_  
SCALE: 3/16" = 1'-0"  
DATE: Monday, July 20, 2020

PAGE: **2/3**  
Elevations 2



**Beachy Construction, Inc.**  
5243 Kachemak Drive  
Homer AK 99603  
PHONE: 907-235-9876  
FAX: 907-235-5521  
MOBILE: matt@belhomer.com



**SOFTPLAN**  
ARCHITECTURAL DESIGN SOFTWARE

**Beachy Construction, Inc.**  
5243 Kachemak Drive    PHONE: 907-235-8876  
Homer                      FAX: 907-235-5521  
AK                            MOBILE:  
99603                        matt@bcihomer.com

SECTION LETTER  
A  
PAGE NUMBERS  
1/1

**Overway Shop**  
PHONE:  
FAX:  
MOBILE:

DRAWN BY:  
SCALE: 3/16" = 1'-0"  
DATE: Monday, July 20, 2020

PAGE:  
**3/3**  
Floor Plans