



City of Homer

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Memorandum 21-202

TO: MAYOR CASTNER AND CITY COUNCIL SITTING AS BOARD OF ADJUSTMENT

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: OCTOBER 15, 2021

SUBJECT: RECOMMENDATION FROM PLANNING COMMISSION ON THE APPEAL OF CUP
20-15

At the September 20, 2021 meeting of the City Council sitting as Board of Adjustment regarding the Appeal of Conditional Use Permit (CUP) 20-15 the Board and unanimously approved the following motion:

LORD/ADERHOLD MOVED THAT WHILE THE BOARD OF ADJUSTMENTS BELIEVES IT IS A MOOT POINT DUE TO THE LACK OF AN ACTIVE PERMIT APPLICATION, THE BOARD OF ADJUSTMENT BELIEVES THAT THE APPEAL PROCEDURALLY SHOULD BE BEFORE THE PLANNING COMMISSION FOR APPELLANT FRANK GRISWOLD'S MOTION FOR RECONSIDERATION AND MOTION FOR LEAVE TO SUPPLEMENT POINTS ON APPEAL OF CUP 20-15 AND THE BOARD DIRECTS THE CLERK TO REFER THAT MOTION TO THE PLANNING COMMISSION FOR RECONSIDERATION.

The Planning Commission took the matter up at their October 20, 2021 meeting. The Commission denied the Motion for Reconsideration submitted by Frank Griswold, Appellant, and made the recommendation that the Board of Adjustment dismiss the appeal of CUP 20-15. The Commission unanimously approved the following motion:

HIGHLAND/BENTZ MOVED THAT THE PLANNING COMMISSION DENIES TAKING UP THE MOTION FOR RECONSIDERATION AND THE MOTION FOR LEAVE TO SUPPLEMENT POINTS ON APPEAL OF CUP 20-15 SUBMITTED BY APPELLANT GRISWOLD AND THAT THE PLANNING COMMISSION RECOMMENDS THE BOARD OF ADJUSTMENT DISMISS THE APPEAL OF CUP 20-15 DUE TO THE FACT THAT THE APPLICANT HAS WITHDRAWN THEIR CONDITIONAL USE PERMIT APPLICATION AND THEREFORE THE PERMIT NO LONGER EXISTS.

Recommendation: Move to dismiss the appeal of CUP 20-15 based on the Applicant's withdrawal of their application or Move to direct the Planning Commission to take up the Order Remanding to the Planning Commission regarding CUP 20-15.