

**From:** [Frank Griswold](#)  
**To:** [Melissa Jacobsen](#)  
**Cc:** [Renee Krause](#)  
**Subject:** Notice to Surrounding Property Owners of March 11, 2021 Appeal Hearing Re: Zoning Permit 1020-782  
**Date:** Wednesday, March 10, 2021 12:36:48 AM

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Melissa,

Please email me a copy of the notice of the March 11, 2021 public hearing which was required under HCC 21.94.020 to be published last week in a paper of general circulation within the City. Please also email me a copy of the notice of the March 11, 2021 hearing mailed to surrounding property owners as required under HCC 21.94.030, plus the Clerk's Affidavit of Distribution and the mailing list of those surrounding property owners. HCC 21.94.030 stipulates that a copy of the newspaper notification, or notice containing at least the same information required under HCC 21.94.020(b)(1-4), shall be mailed to owners of record on the Borough Assessor's records of real property within a 300-foot periphery of the site that is the subject of the proposed action. HCC 21.94.020(b)(2) requires "[a] legal or common description of the property involved and a street address" while HCC 21.94.020(b)(4) requires "[a] statement that the complete proposal is available for review, specifying the particular City office where the proposal may be examined."

**1. Does the subject notice presumably published last week in the local newspaper contain all of the information required under HCC 21.94.020(b)(1-4)? If not, why not?**

**2. Does the copy of the newspaper notification or Notice of Hearing that the Clerk's Office presumably mailed to surrounding property owners regarding the March 11, 2021 appeal hearing contain a legal or common description of the subject property (besides the street address)? If not, why not?**

**3. Does the copy of the newspaper notification or Notice of Hearing that the Clerk's Office presumably mailed to surrounding property owners regarding the March 11, 2021 appeal hearing contain a statement that the complete proposal is available for review, specifying the particular City office where the proposal may be examined? If not, why not?**

Thank you for your prompt reply.

Frank

**From:** [Frank Griswold](#)  
**To:** [Melissa Jacobsen](#)  
**Subject:** March 11, 2021 Appeal Hearing Re: Zoning Permit 1020-782  
**Date:** Wednesday, March 10, 2021 12:20:47 PM

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Melissa,

In your Memorandum to the Commission dated January 27, 2020 [sic] you stated: "The hearing was continued 20 days. **This second meeting has been noticed in the newspaper** and on the City of Homer website." The third meeting is now scheduled for March 11, 2021. I was unable to find any notice of this meeting in the March 4, 2021 edition of the Homer News. Was the March 11, 2021 Commission appeal hearing advertised in the Homer News or other local newspaper? If not, why was the second meeting so noticed but not the third? HCC 21.93.300(d) provides that "Any person may file a written brief or testimony in an appeal before the Commission." Furthermore, the Procedure adopted by the Commission provides, under item 5, that the floor will be opened for comments from interested persons with a time limit of 10 minutes each. This sounds very much like a public hearing for which the notification procedure under HCC 21.94.020 (advertising the week before in a local newspaper) is required.

The Agenda for the March 11, 2021 Planning Commission Special Meeting does not provide for any comments from interested persons limited to 10 minutes each; it only provides for Comments of the Audience limited to 3 minutes each at the end of the meeting. The members of the general public were not provided with the Commission's Procedure so how would they know they have a right to comment for up to 10 minutes during the March 11, 2021 appeal hearing and/or submit written briefs or written testimony at or prior to the appeal hearing?

The Notice of (the March 11, 2021) Hearing you mailed to Parties of Record identifies City Planner Rick Abboud as a Party of Record. Why is Mr. Abboud considered a party to this appeal? Why are Scott and Stacy Lowry only identified as property owners and not as Appellees? Why is Travis Brown considered neither a party nor Appellee? Why didn't you date that Notice of Hearing? Please bring these concerns, questions, and your responses to them to the immediate attention of the Commission and Parties, whoever they are. Please do the same for the questions I asked in my previous email regarding notice to surrounding property owners.

Thank you.

Frank

