

Bond Case Briefs

Municipal Finance Law Since 1971

ZONING & PLANNING - ALASKA

Griswold v. Homer Advisory Planning Commission

Supreme Court of Alaska - April 9, 2021 - P.3d - 2021 WL 1325541

Owners of bicycle shop applied for conditional use permit to expand existing entryway by six feet and construct covered porch, thereby extending covered area up to eight feet into 20-foot setback at front of business.

City's advisory planning commission approved permit over resident's objection, and, on appeal to the Office of Administrative Hearings, administrative law judge affirmed. Resident appealed. The Superior Court affirmed the permit approval and subsequently denied resident's motion for reconsideration and request for disqualification. Resident, proceeding pro se, appealed.

The Supreme Court held that:

- City properly exercised its legislative discretion in permitting setback reductions via conditional use permitting rather than through variances;
- Commission properly applied city code by approving setback reduction as a conditional use permit;
- Resident's claims of constitutional rights violations were not adequately briefed and so were waived;
- Substantial evidence supported commission's findings;
- Commission did not err by omitting screening and fire marshal conditions from conditional use permit;
- It was appropriate for city planner to submit brief and participate in appeal proceedings; and
- The Superior Court judge did not have a disqualifying bias.