



CITY OF BETHEL

PLANNING COMMISSION MEETING

Thursday October 13, 2022, 6:30 p.m.

LOCATION: City Hall Council Chamber/or virtual via Zoom

ADDRESS: **300 CHIEF EDDIE HOFFMAN HIGHWAY**

COMMISSION MEMBERS:

Kathy Hanson, *Chair*
Lorin Bradbury, *Vice-Chair*
Alex Wasierski
Shadi Rabi

Stanley Hoffman Jr.
Jessica Schroeder
Haley Hanson, *Alternate*
Greg Morgan, *Alternate*
Rose Henderson, *Council Rep.*

STAFF:

ADMIN ASST.: Pauline Boratko
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PHONE: 907-543-5301
WEBSITE: www.cityofbethel.org

Join Zoom Meeting

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- I. **CALL TO ORDER:**
- II. **ROLL CALL:**
- III. **PEOPLE TO BE HEARD:** 5-minute time limit per person
- IV. **APPROVAL OF AGENDA:**
- V. **APPROVAL OF THE MINUTES:**
 - A. September 8, 2022- regular meeting
- VI. **SPECIAL ORDER OF BUSINESS:**
- VII. **UNFINISHED BUSINESS:**
- VIII. **NEW BUSINESS:**
 - A. PUBLIC HEARING: Purpose: To obtain a Conditional Use Permit and Variance to open a church in the residential zone. Location: 5905 Nacaulleq Street in the Kasayuli Subdivision. Applicant/Property Owner: Stephen D. Holmes.
- IX. **EX OFFICIO MEMBER REPORTS:**
- X. **COMMISSION MEMBER COMMENTS:**
- XI. **ADJOURNMENT:**

Posted October 7, 2022 at City Hall, AC Co., Swanson's, and the Post Office.

Name, Ex-Officio Staff

City of Bethel, Alaska

Planning Commission

September 8, 2022

Regular Meeting

Bethel, Alaska

I. CALL TO ORDER:

A regular meeting of the Planning Commission was held virtually via Zoom and in person at the City Hall Council Chambers in Bethel, Alaska September 8, 2022. The Chair of Commission, Kathy Hanson called the meeting to order at 6:32 PM.

II. ROLL CALL:

Compromising a quorum of the Commission, the following members were present for roll call: Kathy Hanson, Lorin Bradbury, Stanley Hoffman Jr., Haley Hanson, Greg Morgan, Shadi Rabi, and Council Rep. Rose Henderson.

Excused Absence: Alex Wasierski unexcused absence: Jessica Schroeder

Also Present: Pete Williams, City Manager; LaQuita Chmielowski, DOWL, Pauline Boratko, Recorder

III. PEOPLE TO BE HEARD: no one wished to be heard

IV. APPROVAL OF THE AGENDA:

MOVED:	Lorin Bradbury	Motion to approve the agenda.
SECONDED:	Stanley Hoffman Jr.	
VOTE ON MOTION	Unanimous	

V. APPROVAL OF THE MINUTES:

MOVED:	Lorin Bradbury	Motion to approve regular meeting minutes for August 11, 2022
SECONDED:	Stanley Hoffman Jr.	
VOTE ON MOTION	Unanimous	

VI. SPECIAL ORDER OF BUSINESS:

VII. UNFINISHED BUSINESS:

VIII. NEW BUSINESS:

IX. PLANNER'S REPORT: LaQuita Chmielowski and Pete Williams gave their report.

X. COMMISSIONER'S COMMENTS:

K. Hanson- no comment.

L. Bradbury- I would like to add code enforcer as a discussion item on the next agenda.

S. Rabi- no comment.

H. Hanson-no comment

S. Hoffman- no comment

G. Morgan- no comment

R. Henderson-I'm Back! Sorry I make the last meeting.

X. ADJOURNMENT:

MOVED:	Lorin Bradbury	Motion to adjourn the meeting.
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SECONDED:	Rose Henderson	
VOTE ON MOTION	Unanimous	

With no further business the meeting adjourned at 6:42 pm

APPROVED THIS ____ DAY OF _____, 2022

Kathy Hanson, Chair

ATTEST: Pauline Boratko, Recorder

DRAFT

DOUG HOLMES CHURCH

Staff Report and Recommendation

1528.50270.52

OCT 6, 2022

Prepared for:

City of Bethel Planning Department
P.O. Box 1388
Bethel, Alaska 99559

Prepared by:



TABLE OF CONTENTS

1.0	OVERVIEW	1
2.0	APPLICABLE CRITERIA AND FINDINGS	2
2.1	BMC 18.32 Residential District – R District.....	2
2.1.1	BMC 18.32.030 Conditional Uses	2
2.1.2	BMC 18.32.040 Minimum Lot Size	2
2.1.3	BMC 18.32.050 Minimum Setback Requirements	2
2.1.4	BMC 18.32.060 Maximum Height of Structures	3
2.1.5	BMC 18.32.080 Noise	3
2.2	BMC 18.48 Supplemental Regulations.....	3
2.2.1	BMC 18.48.160 Off-Street Parking Requirements.....	3
2.2.2	BMC 18.48.170 Parking Area Location	4
2.2.3	BMC 18.48.108 Off-Street Parking Design Standards	4
2.2.4	BMC 18.48.190 Disabled Parking Standards	6
2.2.5	BMC 18.48.200 Driveway Standards.....	7
2.3	BMC 18.60 Conditional Use Permit (CUP) Standards and Procedures	8
2.3.1	BMC 18.60.040 Staff Review.....	8
2.4	BMC 18.64 Variances	11
2.4.1	BMC 18.64.010 Authorization.....	11
3.0	RECOMMENDATION.....	13

APPENDICES

Appendix 1: CUP Application and Variance Application

Appendix 2: Underlying Plat

Appendix 3: Site Plan and Floor Plan

Appendix 4: Site Photos

Appendix 5: Noticing

1.0 OVERVIEW

Request:	The applicant is seeking approval to convert a single-family residence to a religious meeting place for the local congregation of Jehovah's Witnesses.
Applicant:	Kuskokwim Congregation of Jehovah's Witnesses, Doug Holmes (agent)
Owner:	Kuqo Construction
Location:	5905 Nacaullek Street
Zoning:	Residential
Code Criteria:	Bethel Municipal Code (BMC) 18.32 Residential District – R District, BMC 18.48 Supplemental Regulations, BMC 18.60 Conditional Use Permit (CUP) Standards and Procedures, BMC 18.64 Variances
Hearing Date:	October 13, 2022

Proposal

Doug Holmes, agent for the Kuskokwim Congregation of Jehovah's Witnesses (applicant), is requesting a Conditional Use Permit from the City of Bethel (City) to use a single-family residential building as a religious meeting place. The residence is currently under construction, and assuming the permit is approved, the applicant intends to hold twice-weekly congregation meetings. Other site changes are proposed to support the use, including implementation of a parking plan with ten (10) stalls and landscaping buffers to screen parking areas from adjacent uses.

Process

This staff report and recommendation, prepared by DOWL, planning consultant for the City of Bethel, will be presented to the Bethel Planning Commission who will hear the proposal on October 13, 2022, at 6:30 p.m. at the Bethel City Hall Council Chambers, 300 Chief Eddie Hoffman Highway and via Zoom. The Planning Commission may impose conditions on a Conditional Use Permit (CUP) and shall render a written decision.

The applicant may, within 15 calendar days from the postmarked date of the decision, appeal the Planning Commission's decision to the city manager.

Noticing

Important dates related to this application for a Conditional Use Permit are as follows:

- 9/14/22: Application submitted.
- 9/23/22: Technically incomplete determination issued.
- 9/24/22: Additional documents submitted.
- 09/26/22: Application deemed complete.
- 10/7/22: The City mailed notice to property owners within 600 feet of the site.

- 10/7/22: The City posted copies of the agenda on at least 3 bulletin boards.
- 10/5/22: The City published notice of the hearing in the local newspaper.
- 10/13/22: The Planning Commission will hold a hearing to consider the application.

2.0 APPROVAL CRITERIA AND FINDINGS

2.1 BMC 18.32 Residential District – R District

2.1.1 BMC 18.32.030 Conditional Uses

The following uses and structures are permitted in the R district under the terms of a conditional use permit.

- A. Triplex and residential apartment buildings.
- B. Planned unit developments.
- C. Professional offices.
- D. Parks, playfields, and playgrounds.
- E. Churches and synagogues, along with the customary accessory uses, including administrative offices, parsonages, day nurseries, kindergartens and meeting rooms.
- F. Headquarters or administrative offices for charitable organizations and similar quasi-public organizations of a noncommercial nature.
- G. Radio and television transmission towers and antennas, not including amateur radio and citizen band radio antennas that are accessory to a residential use.
- H. Food and beverage sales.
- I. Personal services.
- J. The facilities of sewer, water and other utilities required to serve lots outside the district.

Findings: The applicant has requested approval to operate a church from a single-family residence within the R district. Pursuant to BMC 18.32.030(E) a church is permitted subject to the terms of a conditional use permit.

2.1.2 BMC 18.32.040 Minimum Lot Size

The minimum lot size in the R district is nine thousand (9,000) square feet; provided, the minimum lot size for an apartment is ten thousand (10,000) square feet for the first (1st) four (4) units and an additional one thousand (1,000) square feet for each additional unit.

Findings: The subject property is 10,000 square feet which exceeds the minimum lot size established for the R district. Compliance is met.

2.1.3 BMC 18.32.050 Minimum Setback Requirements

Structures, other than minor structures, in the R district shall be set back from property lines to provide yards as follows:

- A. Front yard: Fifteen (15) feet.
- B. Side yard: Ten (10) feet; provided, for lots that were lawfully platted prior to 1985 with less than seven thousand (7,000) square feet, seven (7) feet shall be provided for side yards.
- C. Rear yard: Ten (10) feet; provided, for lots that were lawfully platted prior to 1985 with less than seven thousand (7,000) square feet, seven (7) feet shall be provided for rear yards.
- D. Twenty-five (25) feet from the mean high-water mark of any drainage or lake.

Findings: The preliminary site plan, included as Appendix 3, demonstrates that the building meets all required setbacks from property lines. Additionally, no drainage or lake has been identified on the subject property therefore BMC 18.32.050(D) is not applicable.

2.1.4 BMC 18.32.060 Maximum Height of Structures

The height of structures in the R district is not restricted except as may be limited under the airport height restrictions under BMC 18.48.250 through 18.48.270.

Findings: Planning staff are not aware of an airport height map regulating the height of structures as provided for in BMC 18.48.270. Additionally, the applicant proposes to operate the church from a single-story residential building that is similar in height to surrounding residential buildings which are not known to interfere with airport operations. The applicant does not propose any changes to the building height as part of this application.

2.1.5 BMC 18.32.080 Noise

No loud noise, whether of public or private origin, shall be permitted within this land use district during the hours from 11:00 p.m. to 6:00 a.m. "Loud noise" is defined as a decibel level that exceeds eighty (80) dBA max at the property line of the parcel within the R district that is receiving the noise. Specific examples of loud noise include a person or persons speaking loudly or yelling, operating a garbage disposal, or honking a vehicle horn within twenty (20) feet. This provision applies to all noise sources, whether generated inside or outside the R district, but does not apply to noise associated with aircraft arriving at or departing from the airport or emergency equipment or signals operated by a government agency.

Findings: The applicant outlines hours of operation for the church within the Conditional Use Permit Application included as Appendix 1. The church is not expected to operate between the hours of 11:00 p.m. and 6:00 a.m. and therefore would not generate loud noise as defined in BMC 18.32.080.

2.2 BMC 18.48 Supplemental Regulations

2.2.1 BMC 18.48.160 Off-Street Parking Requirements

- A. No parking area provided for the purpose of complying with the provisions of this code shall be eliminated, reduced, or converted to another use unless equivalent facilities are provided in conformance with this chapter and approved by the planning department on a site plan permit. New structures or uses on a lot must provide parking space as required by this chapter. Additions or expansions to any structure or a change in use on a property shall be accompanied by parking facilities to replace parking lost or to achieve conformance with this chapter.
- B. Space computations for any parking requirements that result in fractional requirements shall be increased to the next higher whole number.
- C. Parking requirements for types of structures or uses not specifically listed in this section shall be determined by the land use administrator based on comparable uses listed in this chapter or on standards recommended by a professional planning or engineering organization.
- D. Off-street parking space shall be provided as set out in this subsection:

3.	Religious assembly	1 space per 4 seats or 8 feet of bench in the main assembly
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Findings: The Revised Floor Plan included in Appendix 3 indicates that the proposed auditorium will provide seating for as many as 40 people. The seating is understood to be chairs or other mobile seating rather than affixed benches therefore requiring ten (10) off-street parking spaces to comply with BMC 18.48.160(D). As reflected on the preliminary site plan included as Appendix 3 the applicant proposes to provide ten (10) off-street parking spaces, thus complying with this standard.

2.2.2 BMC 18.48.170 Parking Area Location

- A. Required parking facilities for long-term residential uses shall be located on the same lot as the use the parking facilities are intended to serve.
- B. Required parking facilities shall be located on the same lot as the use such parking facilities are intended to serve or, except for uses other than long-term residential use on a lot under the same ownership if such parking is located adjoining or in close proximity to the actual use or uses served, and there is a safe, convenient pedestrian connection between the lots.
- C. Except for long-term residential uses, required parking facilities of two (2) or more uses, structures or contiguous lots or parcels may be satisfied by the same parking facilities used jointly if the parking facility meets the total requirement for all uses and situations; provided, an overlap of up to twenty (20) percent of the highest overlapping single user's requirement may be permitted if, but only for so long as, the hours of operation of the overlapping users do not overlap and the right of joint use is evidenced by a deed, lease, contract, or similar written instrument establishing the joint use which remains effective for so long as the users' requirements must be met by overlapping use.

Findings: The applicant's required parking facilities are located on the same lot as the intended use. No joint use parking is proposed.

2.2.3 BMC 18.48.180 Off-Street Parking Design Standards

- A. All off-street parking spaces shall be no less than nine (9) feet by twenty (20) feet in size, except that all parallel parking spaces shall be no less than nine (9) feet by twenty-two (22) feet in size.

Finding: The applicant has not provided parallel parking spaces in their required parking facilities. As shown on the preliminary site plan (Appendix 3), the provided off-street parking spaces measure nine (9) feet by 19 feet in size.

Conditions: *The applicant shall provide a revised site plan that shows off-street parking spaces with dimensions of nine feet by 20 feet in size pursuant to BMC 18.48.180(A).*

The applicant shall provide a revised site plan with a correct scale.

- B. The aisle width between parking spaces shall be no less than:
 - 1. Sixteen (16) feet between rows of parking spaces angled thirty (30) degrees or less;

2. Eighteen (18) feet between rows of parking spaces angled at greater than thirty (30) degrees but not greater than sixty (60) degrees;
3. Twenty-five (25) feet between rows of parking spaces angled at greater than sixty (60) degrees;
4. Twelve (12) feet for one-way aisles and twenty-four (24) feet for two-way aisles between parallel parking spaces.

Finding: The applicant has submitted a variance request to reduce the driveway width to 21 feet in the southern portion of the site and an eight-foot aisle on the east side of the site as reflected on the preliminary site plan included as Appendix 3. However, as previously conditioned, the applicant is required to increase parking stalls to a depth of 20 feet, therefore reducing the aisle to seven (7) feet. This area coupled with the adjacent right-of-way (ROW) would be used for maneuvering on the east side of the site. A review of the request relative to variance criteria is provided in subsequent sections of the staff report.

- C. Each parking space shall have access to a circulation aisle which shall access a street or alley.

Finding: The applicant has provided a circulation aisle that uses the adjacent ROW for access to a street as reflected on the preliminary site plan included as Appendix 3. Additional evidence is offered by the applicant in the form of site photos included as Appendix 4.

- D. Maneuvering and access aisle area shall be sufficient to permit vehicles to enter the space in a forward motion except that residential and employee parkers may back in from alleys.

Finding: The applicant has not provided sufficient on-site maneuvering and access space as reflected on the preliminary site plan included as Appendix 3. The variance request would reduce the drive aisle on the east side to seven (7) feet wide once parking stalls are increased to a depth of 20 feet. This reduced aisle width will require the use of the adjacent ROW for maneuvering. Additional evidence is offered by the applicant in the form of site photos included as Appendix 4.

- E. Parking lots with four (4) or more stalls shall have an improved surface approved by the city engineer; provided, the overall finished grade of a parking lot shall not exceed a five (5) percent slope.

Finding: The applicant has provided documentation in the Variance Application (Appendix 1) that they plan to add fill to the site to create a graded, gravel parking area.

Condition: *The applicant shall obtain approval by the City engineer to construct the proposed gravel parking lot.*

- F. The lot shall be graded so that it will drain as required by the city engineer.

Finding: The applicant has provided documentation in the Variance Application (Appendix 1) that they plan to add fill to provide a graded, gravel parking area.

Condition: *The applicant shall seek approval by the City engineer to ensure the proposed gravel parking lot drains properly.*

- G. All boundaries of the lot directly abutting public or private property shall have a landscaped setback of at least eight (8) feet or shall have a suitable barrier to prevent vehicle encroachment beyond the property line.

Finding: The applicant has submitted a variance request to reduce the required landscaping setback from eight (8) feet to five (5) feet along the sides of the property. Additionally, the variance request proposes elimination of the eight (8) foot front landscape setback adjacent to the edge of the public right-of-way so that it may be used as a drive aisle for parking stall access. A Variance Application and narrative are included as Appendix 1. A review of the project's consistency with variance standards are provided in subsequent sections of this staff report and recommendation.

- H. Neither the landscaped setback required in subsection G of this section nor any landscaping or sign shall block the visibility of drivers exiting across a public sidewalk or entering a public street. If located closer than eight (8) feet to the nearest sidewalk or twenty (20) feet from the nearest improved edge of the street, any closed fence, wall, ground-mounted sign, bush, or hedge line shall not exceed twenty-four (24) inches in height along any side having a driveway exit across a sidewalk or to a street.

Finding: Proposed landscaping is not expected to result in a sight distance obstruction.

- I. Parking facilities available for night use by employees or patrons shall be lighted during the night hours of use.

Finding: The applicant is not proposing to offer night use of the parking facilities as provided in the Conditional Use Application responses in Appendix 1.

- J. Covered parking spaces shall have a vertical clearance of at least seven (7) feet six (6) inches above the parking lot surface for all uses except residential.

Finding: The applicant is not proposing covered parking spaces as shown on the preliminary site plan in Appendix 3.

2.2.4 BMC 18.48.190 Disabled Parking Standards

- A. Parking lots which contain six (6) to twenty-five (25) required spaces shall provide one (1) space for restricted use of disabled persons. Parking lots that contain twenty-six (26) to fifty (50) required spaces shall contain two (2) spaces for restricted use of disabled persons. Parking lots which contain more than fifty (50) required spaces shall contain one (1) additional space for restricted use of disabled persons for each additional one hundred (100) parking spaces or fraction thereof that are required.
- B. Parking spaces required by this section shall be approximately nine (9) feet wide and shall have an adjacent aisle that is six (6) feet wide. Two (2) adjacent parking spaces that meet the requirement of this section may share an aisle.
- C. A sign shall be posted for each disabled person parking space. The sign shall be clearly visible, and be marked with the international symbol of disability access.
- D. All other design considerations must comply with the Americans with Disabilities Act. However, a peace officer may enforce disabled parking within the city, even if the sign marking the spot in question does not comply with all design considerations of the Americans with Disabilities Act. Such enforcement shall not be construed as the city's permission of a sign that does not comply with the design considerations required by the Americans with Disabilities Act.

Findings: The new church will provide a new parking facility with ten (10) spaces as illustrated on the preliminary site plan (Appendix 3). The plan reflects standard parking stalls with a minimum width of nine (9) feet and an oversized stall with a minimum width of 15 feet which is sufficient to meet the minimum dimensions for a parking stall and aisle as required by BMC 18.48.190(B). However, the plan does not identify required signage to adequately mark the stall for disabled persons to satisfy BMC 18.48.190(C) therefore a condition of approval is warranted.

Condition: *The applicant shall post a sign at the disabled person parking space that is marked with the international symbol of disability access.*

2.2.5 BMC 18.48.200 Driveway Standards

A. Driveways serving residential uses on lots served by piped sewer and water shall have a minimum width of not less than nine (9) feet when serving four (4) or fewer dwelling units and a driveway width of not less than sixteen (16) feet when serving five (5) or more dwelling units or in lieu thereof, two (2) separate driveways not less than nine (9) feet in width.

Finding: The project is not a residential use therefore this section is not applicable.

B. Driveways serving other than residential uses on lots served by piped sewer and water shall have a minimum width of fifteen (15) feet to accommodate one-way traffic and a minimum width of twenty-five (25) feet to accommodate two-way traffic.

Finding: The applicant has submitted a variance request seeking relief from the minimum driveway width required for two-way traffic as detailed in the application materials included in Appendix 1. Variance criteria are addressed in Section 2.4 of the staff report.

C. Driveways serving any use on a lot that is not served by both piped water and piped sewer shall have a minimum width of not less than twenty-five (25) feet unless the land use administrator determines that practical considerations such as lot frontage, proximity to a street intersection, lot size, lot topography, drainage patterns, the location of preexisting structures or the proposed principal structure and other considerations require a lesser width be provided. Before authorizing a lesser width, the land use administrator shall obtain and consider the recommendations of the director of public works.

Finding: The applicant's lot is not served by piped water or piped sewer. The applicant has submitted a variance request seeking relief from the 25-foot-wide driveway as detailed in the application materials included in Appendix 1. Variance criteria are addressed in Section 2.4 of the staff report.

D. Parking areas for two (2) or more vehicles shall be designed to prevent or discourage cars from backing out into a public street, public or private pedestrian walk, or public alley, in order to leave the area or to maneuver out of the parking space. Parking lots shall be designed and improved so as to prevent ingress and egress at any point other than designated entrance or exit drives.

Finding: The applicant has submitted a variance request seeking relief from the parking lot design provision that discourages cars from backing out into a public street as detailed in the application materials included in Appendix 1. The applicant proposes the eight (8)-foot drive aisle as the maneuvering area. This drive aisle is further reduced to seven (7) feet by the condition to

increase the depth of the adjacent parking stalls to 20 feet. Variance criteria are addressed in Section 2.4 of the staff report.

- E. Access driveways to parking areas containing four (4) or more spaces shall be located and designed as follows:
 - 1. Parking area entrance and exit driveways shall be located a minimum of fifty (50) feet from the nearest street intersection, as measured from the centerline of the driveway to the nearest line of the nearest travel lane of the intersecting street.
 - 2. Driveways crossing the street property line of a single lot shall be limited to one (1) entrance and one (1) exit driveway along the frontage of a single street. The centerline of the driveways on the same lot shall be separated by a minimum of thirty (30) feet.
 - 3. A combined entrance and exit driveway shall be perpendicular to the street centerline for a distance of twenty-five (25) feet from the street property line.

Finding: The proposed parking area entrance and exit driveway is located a minimum of 50 feet from the nearest street intersection as shown on the preliminary site plan (Appendix 3). The applicant is proposing one two-way driveway as shown on the preliminary site plan (Appendix 3). The applicant has submitted a variance request seeking relief from the two-way traffic required driveway width of 25 feet as detailed in the application materials included in Appendix 1. Variance criteria are addressed in Section 2.4 of the staff report.

- F. Driveways that cross drainageways are subject to the requirements of BMC 15.12.040(B)(3) and 15.12.050(A)(11).

Finding: The driveway will not cross a drainageway therefore this criterion is not applicable.

2.3 BMC 18.60 Conditional Use Permit (CUP) Standards and Procedures

2.3.1 BMC 18.60.040 Staff Review

- A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection B of this section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.
- B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:
 - 1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;

Finding: The proposed conditional use is not found to be detrimental to the general public health, safety, or welfare or to the environment given the limited impacts of traffic associated with the frequency of services, number of church members who live nearby. Additionally, the structure fits in to the character of the adjacent residential homes and neighborhood and provides faith and family services to the residents.

2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district;

Finding: The proposed conditional use meets applicable standards in the R district including minimum lot size, minimum setback requirements, maximum height of structures, and noise as addressed within this staff report and recommendation.

3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities;

Findings: As previously discussed the site is approved for a new single-family residence which was designed to accommodate a 1,000-gallon water tank and a 1,250-gallon sewer tank. The applicant does not propose to increase or change capacity of either the sewer or water tanks. The proposed tank sizes meet the requirements of BMC Title 13. The applicant should apply for water service and sewer collection service with the City of Bethel as necessary.

The applicant has applied for a variance to meet transportation facilities and parking area requirements.

4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC 16.04.010;

Finding: The proposed conditional use conforms to the intent and purposes of the land use code set out in BMC 16.04.010 in that it does not adversely affect the ability of the City to deliver public services or the safety of property and the health, safety, and welfare of person. Additionally, it facilitates adequate provisions for transportation, water, sewage, and other facilities. Finally, there is prevention of overcrowding of the land.

5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;

Finding: The proposed conditional use and structures are within the R district and are of an appropriate character and scale for the neighborhood given the features of the structure and the hours of operation and schedule of services described in the application materials.

6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;

Finding: The proposed conditional use is generally in accordance with the comprehensive plan and furthers the goals and policies of the comprehensive plan in that it does or can comply with applicable regulations outlined in the BMC as identified within this staff report.

7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;

Finding: The proposed conditional use and joint variance application provides adequate information that surrounding properties, vehicles, and pedestrians will not be subjected to hazardous or substantially increased traffic conditions given the limited hours of operation and anticipated weekly service schedule. Further, as indicated in the application (Appendix 1) roughly one-third of the congregants live within the neighborhood where the church has requested to operate.

8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;

Finding: The applicant has demonstrated a need for the proposed conditional use which is located within the same residential neighborhood as approximately one-third of the church congregants live within the subdivision. As detailed within the application, Kingdom Halls are often located within or adjacent to residential neighborhoods which can be a complimentary use as these facilities offer spiritual guidance and family counseling.

9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property, including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;

Finding: The proposed conditional use will be compatible with adjacent residential uses based upon the limited size of the facility and the anticipated hours of operation and is not expected to cause negative impacts on nearby property provided conditions of approval identified in this report are met.

10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC 15.08.160 through 15.08.180.

Finding: The proposed conditional use is not located in a designated flood hazard area determined by the City of Bethel's provided Flood Zone Map.

2.3.2 BMC 18.60.060 Standards for Planning Commission Decision

- A. The planning commission may approve a request for a conditional use permit only if it makes findings, supported by the record, as are set out in BMC 18.60.040(B)(1) through (10).
- B. Where the approval of a conditional use permit application would result in a mix of residential and nonresidential uses, any approval of the conditional use may impose conditions and design standards necessary:
 1. To ensure the public health, safety, and welfare of residents; and
 2. To minimize or eliminate adverse impacts on residential property.
- C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the planning commission where necessary to ensure the public health, safety, and welfare of Bethel's citizens and to maintain consistency with the comprehensive plan and the purposes of this title as set out in BMC 16.04.010.

- D. A site plan permit must be obtained following the granting of a conditional use permit and prior to the establishment of the use or structure for which the conditional use permit was sought.

Findings: The Planning Commission has the authority to make the final determination of approval in the applicant's request for a Conditional Use Permit.

The applicant is required to obtain a site plan permit following approval of the conditional use permit by the Planning Commission.

Condition: *The applicant shall obtain a site plan permit following issuance of an approval of the CUP by the Planning Commission and prior to the establishment of the use for which the CUP was sought.*

2.3.3 BMC 18.60.070 Lapse of Approval

- A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not involving substantial improvements to the land, the permit is "exercised" when the use commences and continues for thirty (30) days or more.
- B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown.

Finding: The applicant is required to follow regulations related to the commencement and continuation of the conditional use as specified in this section. A condition is warranted.

Condition: *The applicant shall follow regulations related to the commencement and continuation of the conditional use as specified in BMC 18.60.070 following approval of the CUP by the Planning Commission.*

2.4 BMC 18.64 Variances

2.4.1 BMC 18.64.010 Authorization

- A. A variance from the dimensional standards of this title may be granted by the planning commission after reviewing the record made at the hearing and the findings, conclusions and recommendations of the planning department if it is shown that all the standards set out in subsection B of this section have been met. Any variance granted shall be the minimum variance that will make possible a use of the land or structure that is a principal permitted use or structure in the land use district. Nonconforming uses and violations which exist in any land use district will not set a precedent to be considered in evaluating grounds for any variance.

Finding: The applicant has submitted a variance request to modify dimensional standards for off-street parking facilities, minimum landscaping buffer widths, parking stall maneuvering, and driveway standards to facilitate the conversion of a single-family residential home to a church. As

demonstrated below, compliance with 18.64.010(B) has been met or can be met pursuant to conditions of approval outlined in this staff report.

B. A variance may be granted only if it is shown that all of the following standards are met:

1. Special physical conditions exist which are peculiar to the land involved and which are not applicable to other land in the same district;

Finding: The applicant seeks to modify a single-family residence which is currently under construction to a church use which requires ten (10) off-street parking stalls as well as 8-foot landscape buffers. As reflected on the preliminary site plan (Appendix 3), space is limited within the site and is further constrained by topographical change along the perimeter of the site. Modifications to the building size and location within the lot would be costly and therefore the applicant has requested a variance to standards related to driveway widths, parking stall maneuvering and landscaping buffer widths to ensure adequate space for the required ten (10) off-street parking stalls. Denial of the requested variances would render the applicant unable to meet the minimum parking standards required for the church use. These challenges, while not specifically unique for all R sites, would likely be the same for most residential lots of this size where an existing structure is being repurposed for church use.

2. Strict application of the provisions of this title would deprive the applicant of all uses of the land permitted to other properties in the same district under the terms of this title;

Finding: The applicant is a spiritual organization seeking to establish a place of worship for their congregation members. Should the variance request be denied, it is unlikely that the site could be reconfigured in such a way to support minimum parking requirements and would thus render this property unusable for the Kuskokwim Congregation of Jehovah's Witnesses (applicant).

3. The special conditions and circumstances do not result from the actions of the applicant or a predecessor in interest and such conditions and circumstances do not merely constitute financial hardship or inconvenience;

Finding: The applicant is pursuing a conditional use permit to change the use of a single-family residential site which is currently under construction, to a church use. The placement and orientation of the building cannot be adjusted at this time therefore minor modifications to driveway widths, parking aisle dimensional standards, and landscaping buffers has been proposed to ensure adequate off-street parking capacity and to provide screening of the higher intensity use from adjacent residential development. It is not uncommon for changes of use to result in minor deviations to site development standards as the former and future uses tend to have different regulatory requirements. The applicant has prioritized the most significant requirements for the use, including off-street parking and buffering of adjacent uses to the extent possible given the existing site constraints established by the prior use.

4. Granting the variance would be consistent with the intent and purpose of the comprehensive plan and BMC Titles 15, 16, and 18 and would not be injurious to the character of the neighborhood or otherwise detrimental to the public health, safety and welfare;

Finding: The granting of the variance is consistent with BMC Titles 15, 16 and 18 in that it will provide flexibility in design standards to facilitate development of the site which is a goal of the Comprehensive Plan. Further, as illustrated throughout this report, churches can be a compatible

use within residential areas provided the size of the church and frequency of services remains as proposed. Other improvements including off-street parking and landscaping buffers will preserve the residential nature of the surrounding area.

5. Granting the variance will not permit a land use that is not permitted in the land use district in which the property lies;

Finding: The proposed use is identified as approvable subject to a conditional use permit and is therefore not determined to be prohibited in the R zone.

6. The variance granted is the minimum variance that will make possible a reasonable use of the land.

Findings: The planning department has determined that the requested variances are the minimum variances needed to provide required off-street parking and landscape buffers for the proposed church use. .

3.0 RECOMMENDATION

Based upon the applicable regulations it is the determination of the planning director that the proposal can meet the approval criteria listed above and hereby **recommends approval of the Conditional Use Permit and Variance subject to the following conditions:**

1. The applicant shall provide a revised site plan that shows off-street parking spaces with dimensions of nine feet by 20 feet in size pursuant to BMC 18.48.180(A).
2. The applicant shall provide a revised site plan with a correct scale.
3. The applicant shall obtain approval by the City engineer to construct the proposed gravel parking lot.
4. The applicant shall seek approval by the City engineer to ensure the proposed gravel parking lot drains properly.
5. The applicant shall post a sign at the disabled person parking space that is marked with the international symbol of disability access.
6. The applicant shall obtain a site plan permit following issuance of an approval of the CUP by the Planning Commission and prior to the establishment of the use for which the CUP was sought.
7. The applicant shall follow regulations related to the commencement and continuation of the conditional use as specified in BMC 18.60.070 following approval of the CUP by the Planning Commission.

APPENDIX 1: APPLICATION FORMS



CITY OF BETHEL

P.O. BOX 1388
BETHEL, ALASKA 99559
www.cityofbethel.org
907-543-5306/5301
email: planning@cityofbethel.net

APPLICATION FOR A CONDITIONAL USE PERMIT BETHEL MUNICIPAL CODE 18.60.20

Carefully read instructions and applicable City code. Fill out forms completely. Attach information as needed. Incomplete applications will create a delay in the review process.

Application Fee must be attached:	\$200.00	Conditional Use Permit
Payment Type:	☐ Credit Card ☐ Check ☐ Cash	

1. General Information

NAME OF APPLICANT:	
Physical Address:	
Mailing Address:	
Home Phone Number:	
Work Phone Number:	
Cell Phone Number:	
Email Address:	

Please note:

The City of Bethel will not communicate regarding the application with anyone other than the applicant or his/her designated agent. If applicant will be represented by an agent or attorney, proof of consent for representation must be submitted with the application.

b. Please comment on any potential impacts on pedestrian and vehicular traffic circulation and safety on roads abutting the property.

c. Describe existing parking facilities and whether they can accommodate a reasonably expected increase in demand for parking created by issuing the permit. Include the number of regular and handicap parking spaces currently available and whether the applicant intends to add additional parking spaces.

d. Describe existing and any planned access to and from the property.

e. Describe water and sewer facilities and capacities on the property.

f. Describe special features and/or restrictions you have designed to minimize potential negative impacts from the proposed Conditional Use in order to ensure the public health, safety, and welfare of nearby structures and residents.

g. What are the dimensions of the structure within the proposed use?

4. Mapping

- a. Provide a Site Map of the property drawn to Scale. Please include the following:
 1. Name of property owner and date (in lower right hand corner)
 2. Map Scale
 3. North Arrow
 4. Property lines with dimensions
 5. Streets abutting the property with names
 6. Draw in locations of existing and planned buildings with dimensions
 7. Locations of water and sewage facilities, with capacities if applicable
 8. Property driveways and vehicle parking areas showing the number of 9'x 20' parking spaces
 9. Indicate access points to and from the property
- b. Provide a map or plat of the general area surrounding the parcel. The map must include street names and notations of the uses and structures that exist on the abutting and nearby lots.
- c. List all buildings and structures located within 600' of the property (whether or not owned by the applicant):

5. Owner's Statement

1. I hereby apply for approval for a conditional use permit on the above property as described in this application.
2. I understand all activity must be conducted in compliance with all applicable standards of the Bethel Municipal Code, 18.04 and 18.60 and with all other applicable State or Federal laws.
3. The information submitted in this application is accurate and complete to the best of my knowledge.

Applicant's Signature:	
Printed Name:	
Date:	

If property is owned by someone other than the applicant, the owner must consent to the application:

Owner's Signature:	
Owner's Printed Name:	
Owner's Mailing Address:	
Owner's Contact Number:	

FOR OFFICIAL USE ONLY

For answers that indicate a deficiency, a detailed explanation must be attached explaining the deficiency and outlining the City's request to the applicant.

1. Will the granting of the conditional use permit be harmful to the public health, safety, convenience, and welfare?	☐ Yes	☐ No
2. Is there any potential negative impact on to the street from which access to and from the establishment is obtained?	☐ Yes	☐ No
3. Are there adequate parking facilities to accommodate a reasonably expected increase in demand for parking created by issuing the permit?	☐ Yes	☐ No
4. Will a reasonably expected increase in traffic to the property impact the abutting road or to the existing road system beyond?	☐ Yes	☐ No
5. Is the use compatible with the character of the surrounding neighborhood?	☐ Yes	☐ No
6. Is the property located in a flood zone?	☐ Yes	☐ No
7. Does there appear to be adequate existing or proposed water supply and sewage capacity on the property?	☐ Yes	☐ No
8. What is the zoning designation of the property?		

CONDITIONAL USE PERMIT (CUP) STANDARDS AND PROCEDURES

Sections:

- [18.60.010](#) Authorization.
- [18.60.020](#) Application.
- [18.60.030](#) Hearing and notification.
- [18.60.040](#) Staff review.
- [18.60.050](#) Planning commission review.
- [18.60.060](#) Standards for planning commission decision.
- [18.60.070](#) Lapse of approval.

18.60.010 Authorization.

The planning commission may grant a conditional use permit for those uses or structures authorized as a conditional use in the applicable land use district chapter of this title, subject to the standards provided in this chapter. An applicant does not have a right to a conditional use permit, but has a right only to have the planning commission give fair consideration to an application for a conditional use. The planning commission has discretion to deny a conditional use permit application if it is not convinced the proposed use is compatible with principal permitted uses, existing neighborhood development, the environment, the comprehensive plan or maintenance of compatible and efficient development patterns. [Ord. 01-05 § 8.]

18.60.020 Application.

A. The applicant shall complete a conditional use permit application on a form provided by the planning department in which the applicant shall state and describe in narrative:

1. A legal description and street address of the parcel;
2. The names and addresses of the owners of the parcel and of the applicant;
3. A description of the proposed conditional use;
4. A map or plat of the general area surrounding the parcel, with notations of the uses and structures that exist on abutting and nearby lots;
5. Potential impacts on pedestrian and vehicular traffic circulation and safety;
6. Potential output of noise, fumes, dust, wastes and other forms of potential environmental pollution;
7. Special features and restrictions designed to minimize negative impacts and to ensure the public health, safety and welfare of the residents;
8. A complete site plan permit application for the proposed use, including fill placement, quantities and contours and drainage plans;

9. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the proposal shall address the relevant matters and standards covered by BMC [15.08.160](#) through [15.08.180](#);

10. The names and addresses of all persons who own property within six hundred (600) feet of the boundaries of the parcel.

B. A fee shall be included as established by resolution of the city council. [Ord. 01-05 § 8.]

18.60.030 Hearing and notification.

A. Upon receipt of a complete application for a conditional use permit, the land use administrator shall set a date for public hearing before the planning commission. The public hearing shall be scheduled no sooner than twenty (20) calendar days and no later than fifty (50) calendar days from the date of acceptance of a complete application.

B. Notice of the public hearing on a proposed conditional use shall be provided as set out in BMC [18.04.070](#). [Ord. 01-05 § 8.]

18.60.040 Staff review.

A. The land use administrator shall review the conditional use permit application and the accompanying site plan permit application for completeness and request any additional material required. Upon determining that the application is complete, the land use administrator shall prepare a staff report with analysis and recommendations. The report shall specifically address drainage on the parcel. The land use administrator may recommend any conditions reasonably necessary for the proposed use to permit the conclusions required under subsection B of this section. The written staff report containing the analysis, proposed conditions and conclusions shall be provided to the planning commission with their meeting materials one (1) week prior to the public hearing.

B. The land use administrator may make a recommendation for approval only when the proposed use and conditions clearly support the following conclusions:

1. The proposed conditional use will not be detrimental to the general public health, safety or welfare or to the environment;
2. The conditional use meets the standards otherwise applicable to a use in the applicable land use district;
3. There are adequate existing or proposed sewage capacity, transportation facilities, parking area, drainage facilities and water supply to serve the proposed conditional use without causing a substantial negative impact on the existing level of services provided by such public facilities;

4. The conditional use conforms to the intent and purposes of the land use code that are set out in BMC [16.04.010](#); (attached)
5. The use and structures proposed are of an appropriate character and scale for the neighborhood in which the project will be located, including parts of the neighborhood that may lie outside the land use district within which the parcel is located;
6. The conditional use is in accordance with and furthers the goals and policies of the comprehensive plan;
7. The proposed use will not subject surrounding properties nor vehicles and pedestrians using nearby streets and ways to hazardous or substantially increased traffic conditions;
8. There is a demonstrated need for the conditional use limited primarily to the area proposed, or, if the use will generally serve a larger area, then a demonstration that the use is essential to the city generally, and because of a feature of the property, the general need can be met by the property, but cannot be met as a principal permitted use on other property in the city;
9. The use, under the conditions proposed, will be compatible with existing and principal uses authorized and will not cause negative impacts on nearby property, including impacts from drainage, that exceed the impacts that would ordinarily be expected from principal permitted uses of the property that is the subject of the application;
10. If any part of the project is located in a flood hazard area or in an area where the project may adversely affect drainage or floods in a flood hazard area, the conditions proposed adequately address the relevant matters and standards covered by BMC [15.08.160](#) through [15.08.180](#). [Ord. 01-05 § 8.]

18.60.050 Planning commission review.

- A. The applicant or an authorized representative shall be present at the public hearing, informed and available for questions relative to the proposed project. The planning commission may take action on the agenda item even if the applicant or an authorized representative is not present at the public hearing. The planning commission may deny the project based entirely on failure of the applicant or an informed, authorized representative to be available at the hearing.
- B. The planning commission shall consider the matter at a public hearing. The commission shall consider the application, the land use administrator's staff report, any written comments from members of the public submitted prior to the public hearing, and oral comments made at the public hearing.
- C. During all phases of the public hearing, any speaker shall address the chairperson prior to making any comment. If any person wishes to question any other person in attendance, the

question shall be directed through the chairperson. All public hearings shall be conducted in the following manner:

1. The chairperson shall explain the hearing procedure;
2. Planning department staff shall present a staff report and recommendations regarding the subject project;
3. The planning commissioners shall ask staff any questions they may have regarding the staff review and recommendations;
4. The applicant shall be given the opportunity to explain the nature of the project and any other relevant information, including rebuttal or additional information regarding any of the correspondence received and matters raised by the staff or the commission;
5. Planning commissioners may ask the applicant any questions they may have about the project;
6. The neighbors or any other interested persons will be given the opportunity to speak. The chairperson will read all written comments submitted regarding the proposed project or copies shall be provided to each commission member. Information provided should be limited to facts. Persons who have given testimony previously during the hearing may comment on any new information limiting comments to new information only. The chairperson may limit repetitious testimony based on time constraints or other situations which may arise;
7. Members of the planning commission may ask any questions of neighbors or other interested persons;
8. The applicant shall be given the opportunity to rebut factual matters raised by the staff, neighbors and other interested persons;
9. After the applicant has given rebuttal evidence and summarized, the staff shall be given an opportunity to comment on evidence presented and to make new or amended recommendations.

D. The planning commission may make a decision to approve, conditionally approve, or deny the project. The commission may also decide to take the matter under advisement or continue the hearing or commission discussion to a future date in order to allow time to acquire more information as needed. The planning commission and the planning staff shall be given the opportunity to comment during and between any of these steps.

E. The commission shall make a decision based upon the standards specified in BMC [18.60.060](#). The commission may impose any conditions reasonably necessary for the proposed use to comply with the standards listed in BMC [18.60.060](#). If the planning commission does not adopt the land use administrator's recommendations and conclusions, it must support its findings with a statement of findings and conclusions, which shall be included in the official

minutes of the hearing and in the resolution approving or disapproving the conditional use.
[Ord. 01-05 § 8.]

18.60.060 Standards for planning commission decision.

- A. The planning commission may approve a request for a conditional use permit only if it makes findings, supported by the record, as are set out in BMC [18.60.040](#)(B)(1) through (10).
- B. Where the approval of a conditional use permit application would result in a mix of residential and nonresidential uses, any approval of the conditional use may impose conditions and design standards necessary:
1. To ensure the public health, safety, and welfare of residents; and
 2. To minimize or eliminate adverse impacts on residential property.
- C. All standards contained in this chapter are minimum standards. More restrictive conditions may be imposed by the planning commission where necessary to ensure the public health, safety, and welfare of Bethel's citizens and to maintain consistency with the comprehensive plan and the purposes of this title as set out in BMC [16.04.010](#).
- D. A site plan permit must be obtained following the granting of a conditional use permit and prior to the establishment of the use or structure for which the conditional use permit was sought. [Ord. 01-05 § 8.]

18.60.070 Lapse of approval.

- A. Unless a longer time is specifically established as a condition for approval, a conditional use permit approval shall lapse and shall become void if not exercised within one (1) year from the date of approval. For a permit to be considered "exercised," substantial improvement to the land must be performed within one (1) year from the date of approval. Substantial improvement is the completion of fifty (50) percent or more of the total authorized improvements as specified on the subject permit as measured by cost. If the conditional use permit is primarily for a use not involving substantial improvements to the land, the permit is "exercised" when the use commences and continues for thirty (30) days or more.
- B. A conditional use permit approval subject to lapse may be extended by the planning commission for an additional period of up to one (1) year; provided, that prior to the expiration date, a written request for extension is submitted to the planning commission and good cause for the extension is shown. [Ord. 01-05 § 8.]

CITY OF BETHEL

RESIDENTIAL VARIANCE

The purpose of a variance is to ensure that the application of the zoning regulations does not operate to deny all reasonable uses of the property when compared to other nearby property to which the same regulations apply. A variance accommodates peculiarities of the land that may deny reasonable uses. Further, a variance is limited to dimensional restrictions, i.e. setback and separation requirements not use restrictions. There must also be a showing of exceptional hardship that is not self induced by the property owner. A Property owner is entitled to a variance if it can be shown that peculiarities of the property produce an exceptional hardship that denies all reasonable uses under existing zoning or districting regulations. Alaska Statute AS 29.40 and Bethel Municipal Code 18.64 govern the issuance of a variance.

Betsy Jumper
Planning Director

City of Bethel
Planning Department
P.O. Box 1388
Bethel, Alaska

RESIDENTIAL VARIANCE APPLICATION
City of Bethel

File Name: Doug Holmes, Agent for Kuskokwim Congregation of Jehovah's Witnesses
(Applicant or Project Name)

Date Application Filed: _____ Reviewed By: _____ Receipt # _____

Property Owner: Kuqo Construction

P.O. Box: 3505 City: Bethel State: AK Zip Code: 99559

Home Phone: (360) - 468 - 4681 Email: doug@dougholmesinc.com

Cell Phone: (425) - 501 - 6267 Email: doug@dougholmesinc.com

Subdivision Name: Kasayuli Subdivision B7 L3

Zoning Use Site Address 5905 Nacaullek St. Bethel, AK 99599

Landowner of Record: Kuqo Construction

Address: PO Box 2927 Bethel, AK 99599

Phone: (907) - 549 - 2836 Email: velson@kuqocontruction.com

Consultant(s) Architect Name: Kuqo Construction

Address: PO Box 2927 Bethel, AK 99599

Phone: (907) - 549 - 2836 Email: velson@kuqocontruction.com

Contractor/Engineer Name: Kuqo Construction

Address: PO Box 2927 Bethel, AK 99599

Phone: (907) - 549 - 2836 Email: velson@kuqocontruction.com

Parcel/Building Information

Legal Description: Lot 3 Block: 7 US Survey: _____

Property Size: 10,000 Sq.Ft Land Use Designation: residential

Bldg. Sq. Footage: 1934 Sq.Ft. Dimensions of Building: 52'x31' & 14'x23'

Describe Specifically the Nature of the Request:

We are requesting a variance to Bethel Code 18.48.180.B.G and Bethel Code 18.48.200.B.C.D.E.

We are requesting a variance to Bethel Code 18.48.200.B.C.D.E. for the drive aisle into the property 21' wide instead of the required 24' wide. Also, a drive aisle of 8' in

front of parallel parking at the front of the property. We believe there is adequate room for vehicles parked on the left side of the building to turn around (also utilizing the horizontal parking space at the left front of the building) so as to drive out into the street and not have to back out into the street. The 8' drive aisle in front of the parallel parking spaces we believe is adequate to back into and then pull out into the street. Our plan is to level the entire parking area to approximately the street level with fill and gravel finish. The cost to fill the needed area is estimated at \$20,000.

We are requesting a variance to Bethel Code 18.48.180.B.G. We are planning to add fill up-to the 5' landscape line on the left and then slope the left side to the property line. This 5' slope portion will have some sort of landscape covering that will be similar or better than other properties in Kasalyuli Subdivision. Parking will not extend onto the landscape.

The adjacent properties are single family residences and will not be negatively impacted by this project.

The back of the lot drops off directly from the back of the building. Fill in that area is cost prohibitive, would impact the neighbors and impacts the available space for parking and landscaping.

There is no anticipated impact on pedestrian traffic.

Per the owner/contractor, Kuqo Construction, there are no ditches and/or culverts.

We appreciate the consideration of these two requests for variances.

In addition to the above description, please attach a scale Site Plan. On the Site Plan show where the lot is located in relation to the nearest access road. Also show any existing and/or proposed drainage ditches and/or culverts and the requested variance in relation to the required setbacks.

For Planning Department Use: On _____, the Planning Commission

(Approved/Denied)

This Variance authorizes the following: _____

Chairperson, Planning Commission

Date

I understand and will comply with the terms and conditions of this variance.

Applicant's Signature

Date

18.64.010

B. A variance may be granted only if it is shown that all of the following standards are met:

1. Special physical conditions exist which are peculiar to the land involved and which are not applicable to other land in the same district;

Even though the lot is 10,000 SF, the usable portion of the lot is diminished due to severe sloping at the rear of the building.

2. Strict application of the provisions of this title would deprive the applicant of all uses of the land permitted to other properties in the same district under the terms of this title;

A permitted Condition Use is a church/place of worship. A church/place of worship requires minimum on-site parking spaces (in this case 10 spaces). Even though the lot is 10,000 SF, the usable portion of the lot is diminished due to severe sloping at the rear of the building.

3. The special conditions and circumstances do not result from the actions of the applicant or a predecessor in interest and such conditions and circumstances do not merely constitute financial hardship or inconvenience;

A permitted Condition Use is a church/place of worship. A church/place of worship requires minimum on-site parking spaces (in this case 10 spaces). Even though the lot is 10,000 SF, the usable portion of the lot is diminished due to severe sloping at the rear of the building.

4. Granting the variance would be consistent with the intent and purpose of the comprehensive plan and BMC Titles 15, 16, and 18 and would not be injurious to the character of the neighborhood or otherwise detrimental to the public health, safety and welfare;

A typical finished Kingdom Hall



Current exterior view of the building in Kasayuli we are seeking to have approved for use as a Kingdom Hall



Some benefits of a Kingdom Hall in the community....

The property will always be conscientiously maintained, “a credit to the neighborhood”

Our meetings are on Sundays at 1:00pm and Thursday evenings at 7:00pm and last about two hours.

All meetings and events are respectful of neighbor’s privacy, are quiet and modest. Throughout the US and the world, 120,000 plus congregations, numerous residential neighborhoods include a Kingdom Hall of Jehovah’s Witnesses. Residential neighborhoods are benefited by the presence of a Kingdom Hall and its congregants. At present about 1/3 of the members live in Kasayuli neighborhood. We know how to be respectful of our neighbors. Much emphasis is put on adherence to Bible principles

that apply to clean personal conduct, and deal with such subjects as the non-medical use of addictive drugs, alcoholism, honesty, morality etc.

Again, while Kingdom Halls are primarily used for religious instruction, Kingdom Halls also provide a center of spiritual guidance and counseling for families, teenagers and couples. Literacy has also always been a focal point of Jehovah's Witnesses. There is no cost or ever any solicitation of monies at our meetings. Through free bible lessons, thousands have learned to read and write in hundreds of languages around the world. In fact, JW.org, the official free website of Jehovah's Witnesses, has been translated into over 1,060 languages worldwide.

All members of the congregation are volunteers. All literature is distributed without cost.

5. Granting the variance will not permit a land use that is not permitted in the land use district in which the property lies;

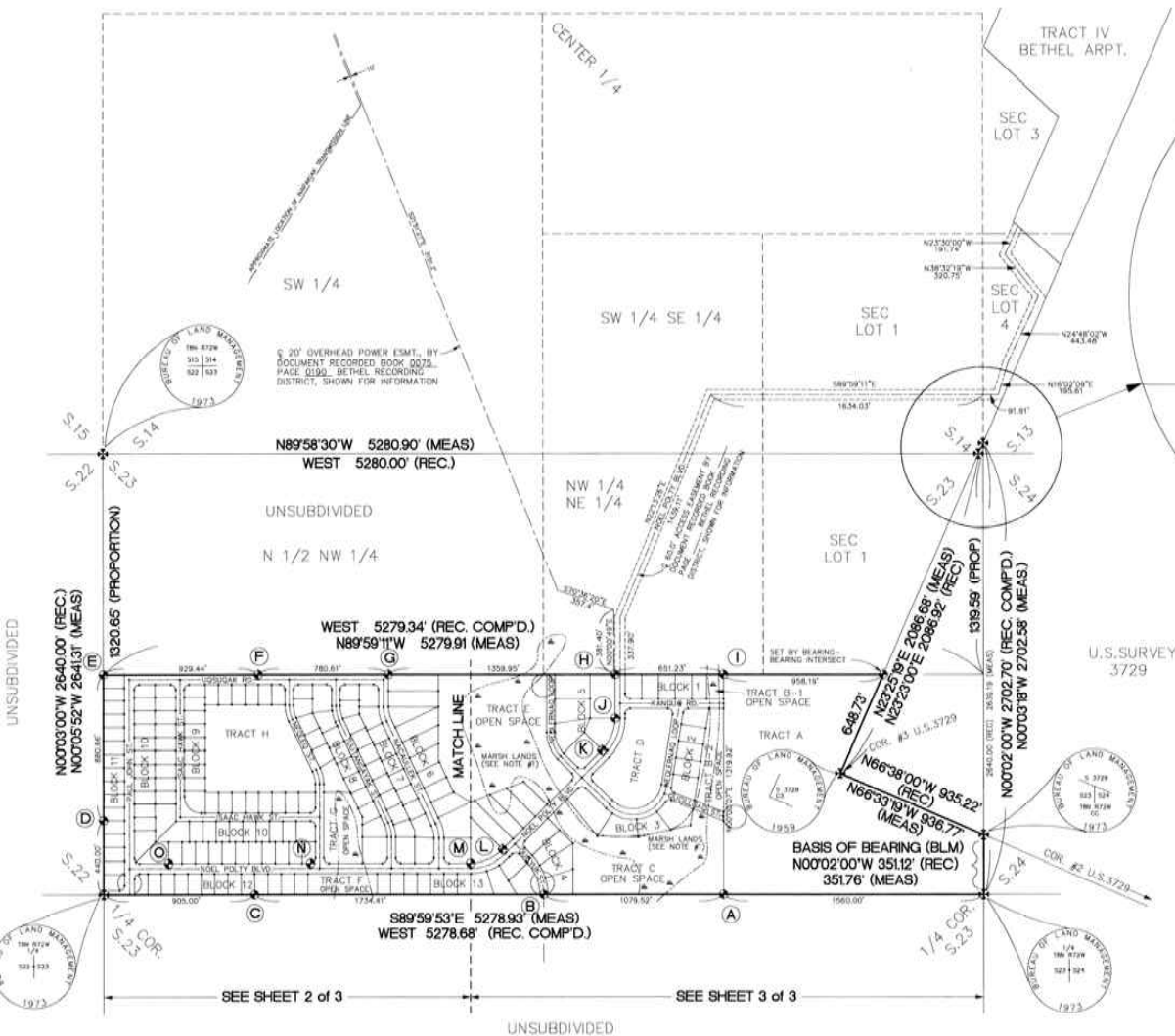
A permitted Condition Use is a church/place of worship. The application for a CUP and this variance is for a church/place of worship

6. The variance granted is the minimum variance that will make possible a reasonable use of the land. [Ord. 01-05 § 8.]

The variance granted would allow for the required minimum parking spaces (10) to allow for a church/place of worship

APPENDIX 2: UNDERLYING PLAT

UNSUBDIVIDED

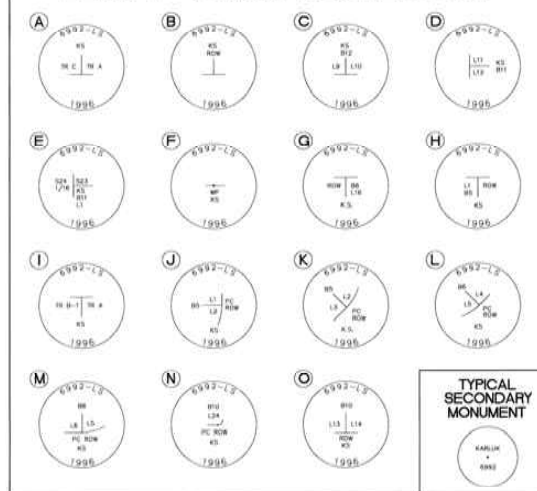


U.S. SURVEY 3729

DETAIL

N.T.S.

DETAILS - PRIMARY MONUMENTS SET



SURVEY CONTROL / SHEET INDEX

SCALE 1"=400'

NOTES:

- MARSHLAND - THE LIMITS IDENTIFIED HEREON ARE THE ASBUILT LIMITS OF EITHER SURFACE WATER, MARSH GRASSES, LOW BUSH WILLOWS, OR ACTIVE DRAINAGEWAYS. THE TERM "MARSHLAND" AS USED HEREON IS A TERM OF CONVENIENCE AND INTENDED TO REPRESENT THOSE AREAS OF ACTIVE HYDROLOGY THAT ARE EVIDENCED BY THE STATED DELINEATORS. ALL ACCORDING TO THE SURVEY PERFORMED DURING NOVEMBER 1995.
- TRACTS B-1, B-2, C, E, F AND G ARE HEREWIT DEDICATED TO THE PUBLIC AS OPEN SPACE. COMPRISING 24,986 ACRES MORE OR LESS OF WHICH 12.37 ACRES ARE MARSHLANDS.
- TRACTS D AND H ARE HEREWIT DEDICATED TO THE PUBLIC FOR COMMUNITY RECREATIONAL AND / OR COMMUNITY SERVICES FACILITIES TO INCLUDE BUT NOT NECESSARILY LIMITED TO: PARKS, PLAYGROUNDS, SCHOOLS, CLINICS, DAY CARE. COMPRISING 11,351 ACRES MORE OR LESS.
- UNLESS OTHERWISE NOTED BY (NR) ALL LOT LINES INTERSECT CURVES RADIALLY.
- NO INDIVIDUAL ON LOT WASTEWATER DISPOSAL AND / OR WATER SUPPLY SYSTEMS WILL BE ALLOWED, UNLESS PRIOR APPROVAL IS OBTAINED FROM THE CITY OF BETHEL AND THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND / OR ITS SUCCESSORS.
- THE U.S. ARMY CORP. OF ENGINEERS HAS DETERMINED THAT THE ENTIRETY OF THIS SUBDIVISION IS LOCATED WITHIN WETLANDS. THEREFORE APPROVAL MUST BE OBTAINED FROM THE U.S. ARMY CORP. OF ENGINEERS, OR ITS DESIGNEE, PRIOR TO PLACEMENT OF FILLS AND / OR CONSTRUCTION.
- RECORD BEARINGS AND DISTANCES SHOWN ARE IN ACCORDANCE WITH THE BUREAU OF LAND MANAGERMENTS PLAT OF SURVEY FOR T.8 N., R.72 W., S.M. APPROVED JUNE 24, 1974.
- TEMPORARY TURNAROUND EASEMENTS AS SHOWN HEREON SHALL AUTOMATICALLY VACATE UPON EXTENSION OF THE SUBDIVISION ROADS BEYOND THE ENCUMBERED PROPERTIES.
- ALL PARCELS IN THE SUBDIVISION WILL BE SUBJECT TO AN AVIGATION EASEMENT IN FAVOR OF YUKON KUSKOKWIM HEALTH CORPORATION AND THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, FOR THE BENEFIT OF THE BETHEL AIRPORT.

LEGEND	
SYMBOL	DESCRIPTION
—	LIMITS OF SUBDIVISION
—	LIMITS OF MARSH LAND
+	PRIMARY MONUMENT FOUND & FIELD
+	RECORD MONUMENT ON 3" DIAM. IRON PIPE
+	PRIMARY MONUMENT SET 3" DIAM. IRON PIPE MONUMENT ON 3" DIAM. IRON PIPE - SEE DETAILS SHEET 1 OF 3
+	SECONDARY MONUMENT - SET 5/8" DIAM. BY 3/4" LONG IRON REBAR WITH 1" DIA. PLASTIC CAP
(MEAS.)	MEASURED
(NR)	NON RADIAL
(REC.)	RECORD
(REC. COMP'D.)	RECORD COMPUTED



SURVEYOR'S CERTIFICATE

I, Paul D. Whipple (LS-6992), do hereby certify that I am properly registered and licensed to practice land surveying by the State of Alaska, that this plat represents a survey made by me, that the monumentation shown hereon do exist as shown and described, and that all dimensions and other details are correct.

CERTIFICATE OF OWNERSHIP AND DEDICATION

Yukon Kuskokwim Health Corporation ("YKHC") hereby certifies that it is the owner of the property shown hereon. YKHC irrevocably dedicates to the City of Bethel all areas depicted hereon for use as public utility easements, street right-of-way, open space and other public areas.

YKHC hereby agrees to this plat, and to any restriction appearing hereon and any such restriction or covenant shall be binding and enforceable against present and successive owners of this subdivided property.

Acknowledged before me on this 24th day of June, 1997, by Gene Petola, Executive Director of Yukon Kuskokwim Health Corporation, an Alaska corporation, on behalf of the corporation.

Notary Public in and for Alaska
My Commission Expires: 11/1/2000

CERTIFICATE OF PLAT APPROVAL

The City of Bethel Planning Commission does hereby approve this plat for recording.

Chairman, City of Bethel Planning Commission

ACCEPTANCE OF DEDICATION

The City of Bethel does hereby accept the dedication to Bethel of all areas depicted hereon for use as public utility easements, street right-of-way, open space and other public areas.

Mayor, City of Bethel
Attests: City Clerk

REFERENCE TO PUBLIC ROAD ACCESS

Public access to or from the subdivision to Bethel Airport is provided by easement recorded in Book 100, Page 100, by City of Bethel Resolution 97-51, recorded in Book 100, Page 100, both in the Bethel Recording District, Fourth Judicial District of Alaska.

REFERENCE TO RESTRICTIVE COVENANTS

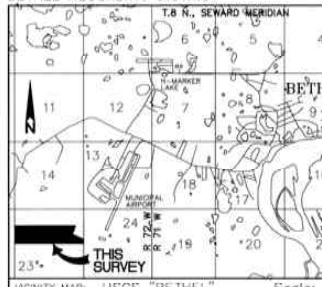
The development and use of land in this subdivision will be subject to the Declaration of Restrictive Covenants, which is to be recorded in the Bethel Recording District, Fourth Judicial District, State of Alaska.

WASTEWATER DISPOSAL

Pursuant to the authorization issued by the Ak. Dept. of Environmental Conservation to the City of Bethel by letter titled "Permit Review Regulation" and dated June 25, 1996, the City has reviewed the subdivision plans for wastewater disposal by Ak. Administrative Code Title 18, Chapter 73, Article 3. The City of Bethel has been satisfied and this subdivision is approved for recording.

Dr. of Public Works
City of Bethel

BETHEL RECORDING DISTRICT



VICINITY MAP: USGS "BETHEL" Scale:

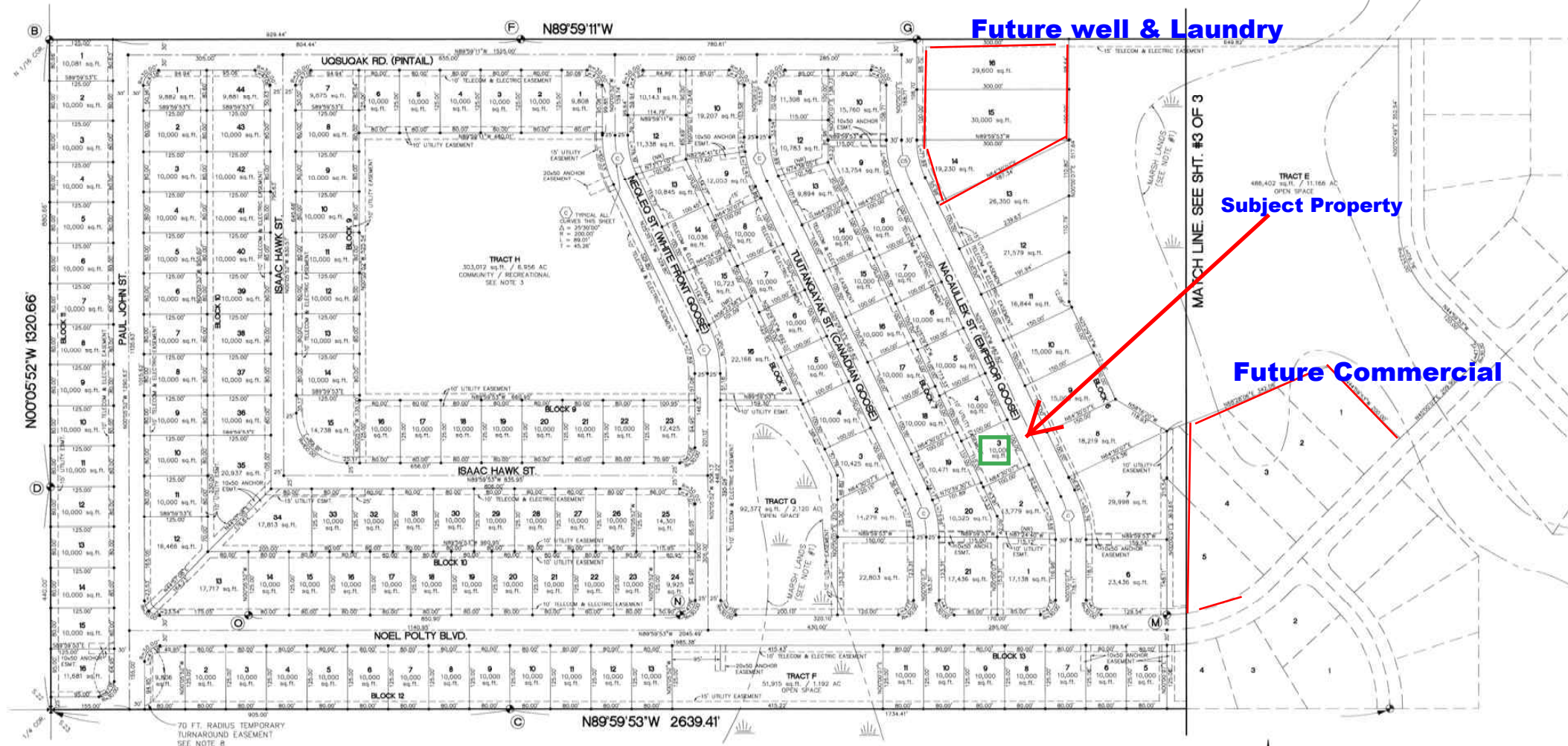
FINAL PLAT OF KASAYULI SUBDIVISION, REPLA a subdivision of KASAYULI SUBDIVISION according to plat number 96-23. Bethel Recording District, State of Alaska

LOT 2, SW 1/4 NE 1/4, S 1/2 NW 1/4, SEC. 23, T.8 N., S.M., CONTAINING 146.353 ACRES

PREPARED BY: KARLUK DESIGN 1042 E. 6th Ave. Anchorage, AK 99501

DATE: 12-29-97 DRAWN: M. RIVARD CHECKED: PDW SCALE AS SHOWN

DATE: 12-29-97 DRAWN: M. RIVARD CHECKED: PDW SCALE AS SHOWN



THE U.S. ARMY CORP. OF ENGINEERS HAS DETERMINED THAT THE ENTIRETY OF THIS SUBDIVISION IS LOCATED WITHIN WETLANDS. THEREFORE, APPROVAL MUST BE OBTAINED FROM THE U.S. ARMY CORP. OF ENGINEERS, OR ITS DESIGNEE, PRIOR TO PLACEMENT OF FILLS AND / OR CONSTRUCTION.

RECORD BEARINGS AND DISTANCES SHOWN ARE IN ACCORDANCE WITH THE BUREAU OF LAND MANAGEMENT'S PLAT OF SURVEY FOR T.8 N., R.72 W., S.M. APPROVED JUNE 24, 1974.

TEMPORARY TURNAROUND EASEMENTS AS SHOWN HEREON SHALL AUTOMATICALLY VACATE UPON EXTENSION OF THE SUBDIVISION ROADS BEYOND THE ENCUMBERED PROPERTIES.

ALL PARCELS IN THE SUBDIVISION WILL BE SUBJECT TO AN AVIGATION EASEMENT IN FAVOR OF YUKON KUSKOYUM HEALTH CORPORATION AND THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, FOR THE BENEFIT OF THE BETHEL AIRPORT.

SYMBOL	DESCRIPTION
—	LIMITS OF SUBDIVISION
—	LIMITS OF MARSH LAND
+	PRIMARY MONUMENT FOUND & HELD
+	IRON BRASS CAP MONUMENT ON 3" DIAM. IRON PIPE
(A)	PRIMARY MONUMENT SET 3" DIAM. IRON BRASS CAP MONUMENT ON 3" DIAM. BY 30" LONG IRON PIPE - SEE DETAILS SHEET 1 OF 3
•	SECONDARY MONUMENT SET 5/8" DIAM. BY 30" LONG IRON REBAR WITH 1" DIA. PLASTIC CAP
(MEAS.)	MEASURED
(NR)	NON RADIAL
(REG.)	REGIONS
(REC. COMP'D)	RECORD COMPLETED



SURVEYOR'S CERTIFICATE

I, Paul D. Whipple (LS-6992), do hereby certify that I am properly registered and licensed to practice land surveying by the State of Alaska, that this plat represents a survey made by me, that the monumentation shown hereon do exist as shown and described, and that all dimensions and other details are correct.

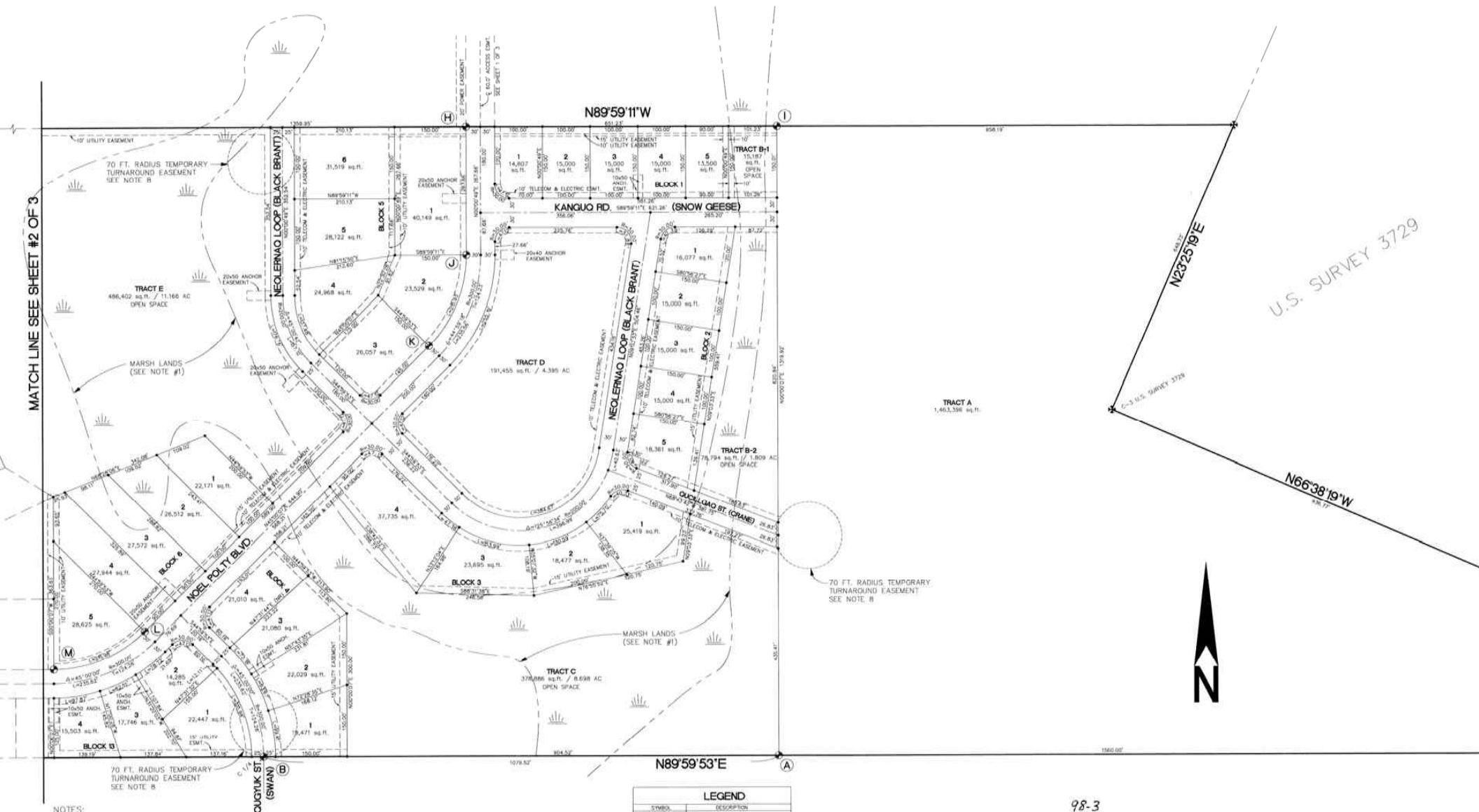
FINAL PLAT OF
KASAYULI SUBDIVISION, REPLA
a resubdivision of
KASAYULI SUBDIVISION
according to plat number 96-23
Bethel Recording District, State of Alaska
situated within
LOT 2, SW 1/4 NE 1/4, S 1/2 NW 1/4, SEC. 23, T.
5.M., AK., CONTAINING 146.353 ACRES ±

PREPARED BY: KARLUK DESIGN
1042 E. 6th Ave.
Anchorage, AK 99501

FOR: YKHC
P.O. BOX 528
Bethel, AK

DATE: 12-29-07 DRAWN: R.VARDY CHECKED: P.W.
SCALE: 1" = 100' N.T.S.

Page 38 of 56
BETHEL 98-3



NOTES:

- MARSHLAND - THE LIMITS IDENTIFIED HEREON ARE THE ASBUILT LIMITS OF EITHER SURFACE WATER, MARSH GRASSES, LOW BUSH WILLOWS, OR ACTIVE DRAINAGEWAYS. THE TERM "MARSHLAND" AS USED HEREON IS A TERM OF CONVENIENCE AND INTENDED TO REPRESENT THOSE AREAS OF ACTIVE HYDROLOGY THAT ARE EVIDENCED BY THE STATED DELINEATORS. ALL, ACCORDING TO THE SURVEY PERFORMED DURING NOVEMBER 1995.
- TRACTS B-1, B-2, C, E, F AND G ARE HEREWIT DEDICATED TO THE PUBLIC AS OPEN SPACE, COMPRISING 24.986 ACRES MORE OR LESS OF WHICH 12.37 ACRES ARE MARSHLANDS.
- TRACTS D AND H ARE HEREWIT DEDICATED TO THE PUBLIC FOR COMMUNITY RECREATIONAL AND / OR COMMUNITY SERVICES FACILITIES TO INCLUDE BUT NOT NECESSARILY LIMITED TO: PARKS, PLAYGROUNDS, SCHOOLS, CLINICS, DAY CARE, COMPRISING 11.351 ACRES MORE OR LESS.
- UNLESS OTHERWISE NOTED BY (NR) ALL LOT LINES INTERSECT CURVES RADIALY.
- NO INDIVIDUAL ON LOT WASTEWATER DISPOSAL AND / OR WATER SUPPLY SYSTEMS WILL BE ALLOWED, UNLESS PRIOR APPROVAL IS OBTAINED FROM THE CITY OF BETHEL AND THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND / OR ITS SUCCESSORS.
- THE U.S. ARMY CORP. OF ENGINEERS HAS DETERMINED THAT THE ENTIRETY OF THIS SUBDIVISION IS LOCATED WITHIN WETLANDS, THEREFORE APPROVAL MUST BE OBTAINED FROM THE U.S. ARMY CORP. OF ENGINEERS, OR ITS DESIGNEE, PRIOR TO PLACEMENT OF FILLS AND / OR CONSTRUCTION.
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LEGEND	
SYMBOL	DESCRIPTION
	LIMITS OF SUBDIVISION
	LIMITS OF MARSH LAND
	PRIMARY MONUMENT FOUND AND HELD
	PRIMARY MONUMENT SET 3" DIAM. BRASS CAP MONUMENT ON 3" DIAM. IRON PIPE
	PRIMARY MONUMENT SET 3" DIAM. BRASS CAP MONUMENT ON 3" DIAM. BY 30\"/>
	SECONDARY MONUMENT - SET 5/8\"/>
(DEALS)	MEASURED
(NR)	NON RADIAL
(REC.)	RECORD
(REC. COMPUT.)	RECORD COMPUTED



SURVEYOR'S CERTIFICATE

I, Paul D. Whipple (LS-6992), do hereby certify that I am properly registered and licensed to practice land surveying by the State of Alaska, that this plat represents a survey made by me, that the monumentation shown hereon do exist as shown and described, and that all dimensions and other details are correct.

98-3

RECORDED - FILED 30th

BETHEL REC. DIV. 18

DATE 12-18-97

TIME 2:03 P.M.

RECORDED BY YKHC

FINAL PLAT OF
KASAYULI SUBDIVISION, REPLA
a resubdivision of
KASAYULI SUBDIVISION
according to plat number 98-23
Bethel Recording District, State of Alaska
situated within
LOT 2, SW 1/4 NE 1/4, S 1/2 NW 1/4, SEC. 23, T.8 N., R.72 W., S.M., AK., CONTAINING 146.353 ACRES.

PREPARED BY: KARLUK DESIGN FOR: YKHC
1042 E. 6th Ave. P.O. BOX 521
Anchorage, Ak. 99501 Bethel, Ak.

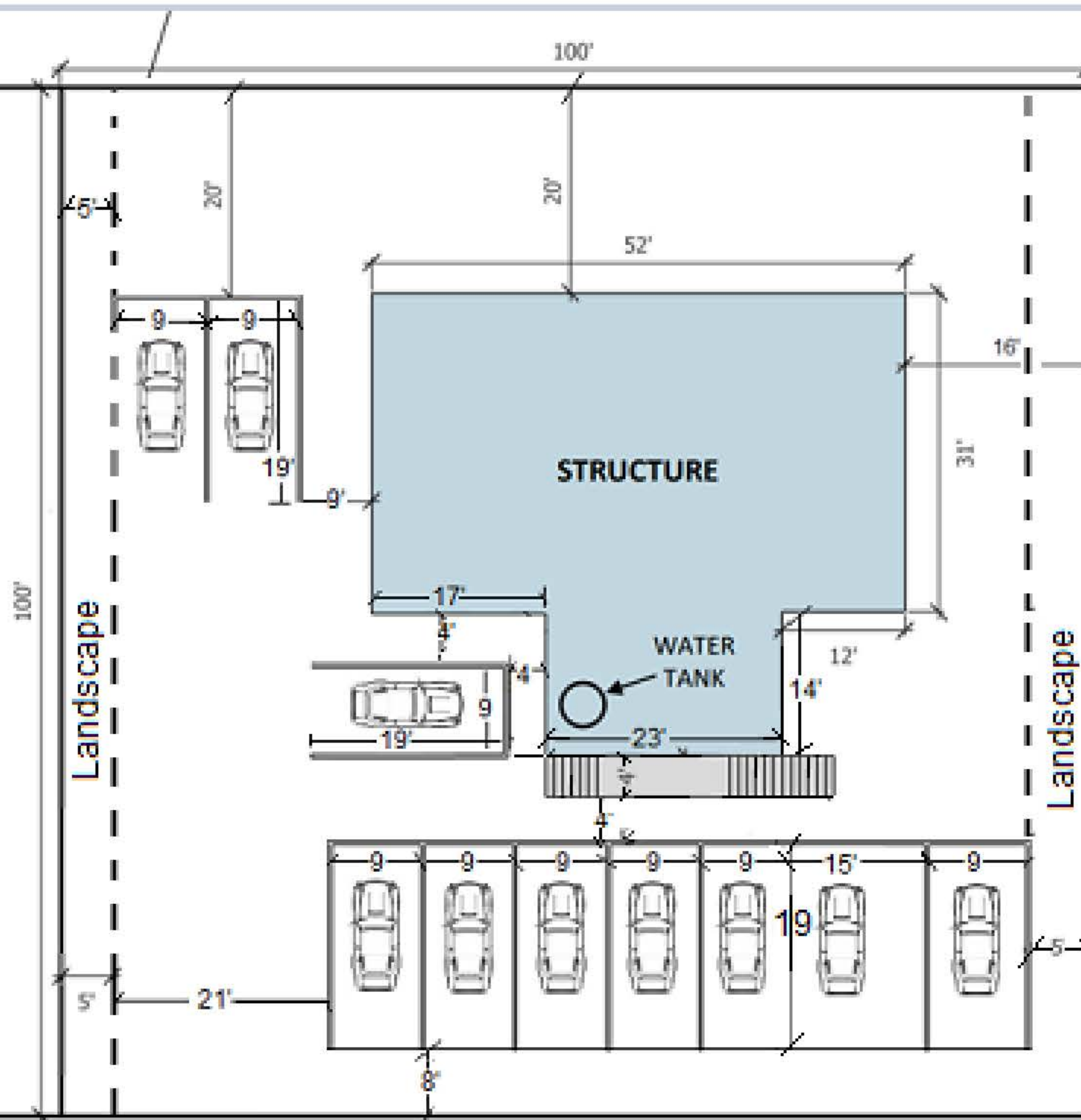
DATE 12-29-97 DRAWN M.RIVARD CHECKED PDW
SCALE 1" = 100' BOOK 98-3

APPENDIX 3: SITE PLAN AND FLOOR PLAN



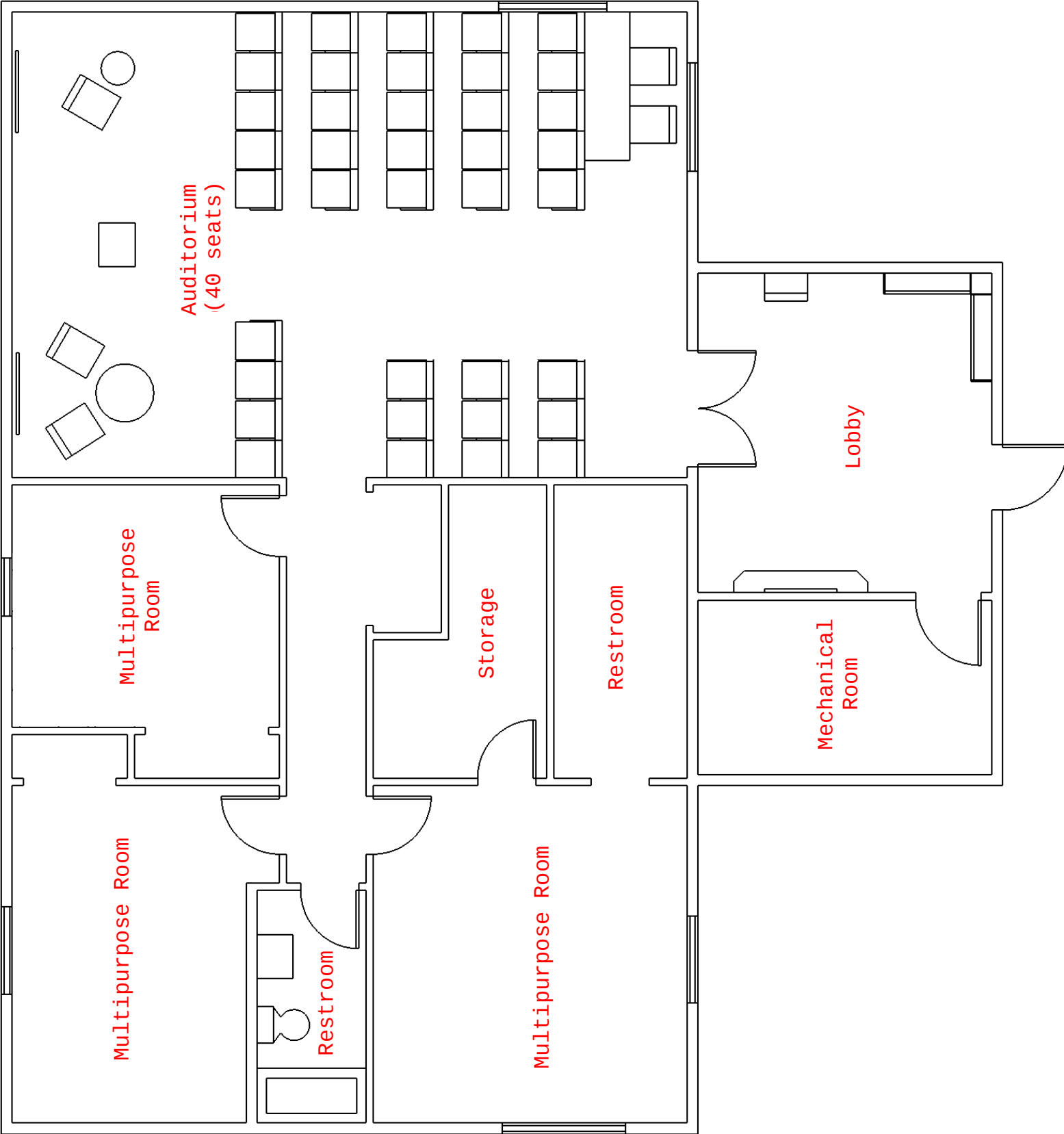
10' 50'

SCALE: 1 inch = 20 feet

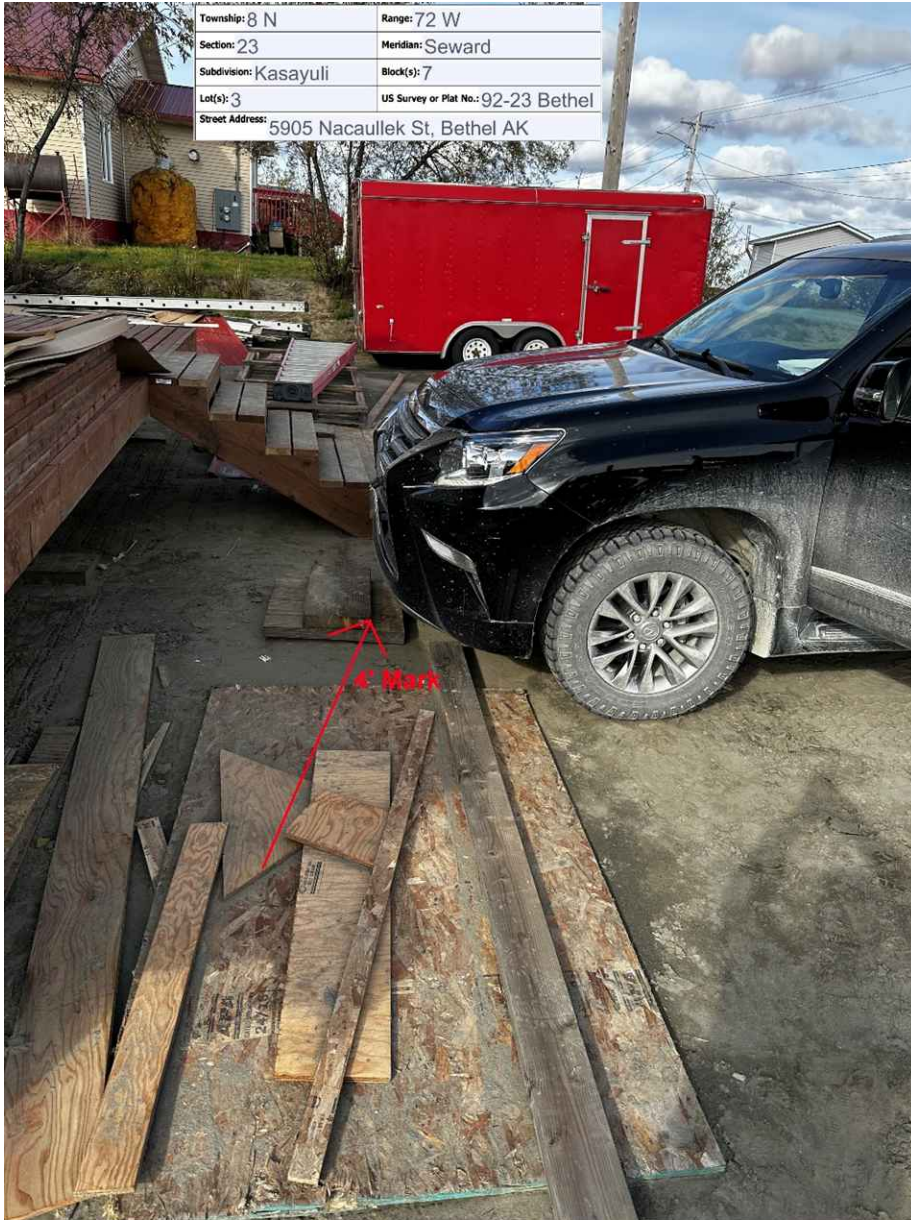


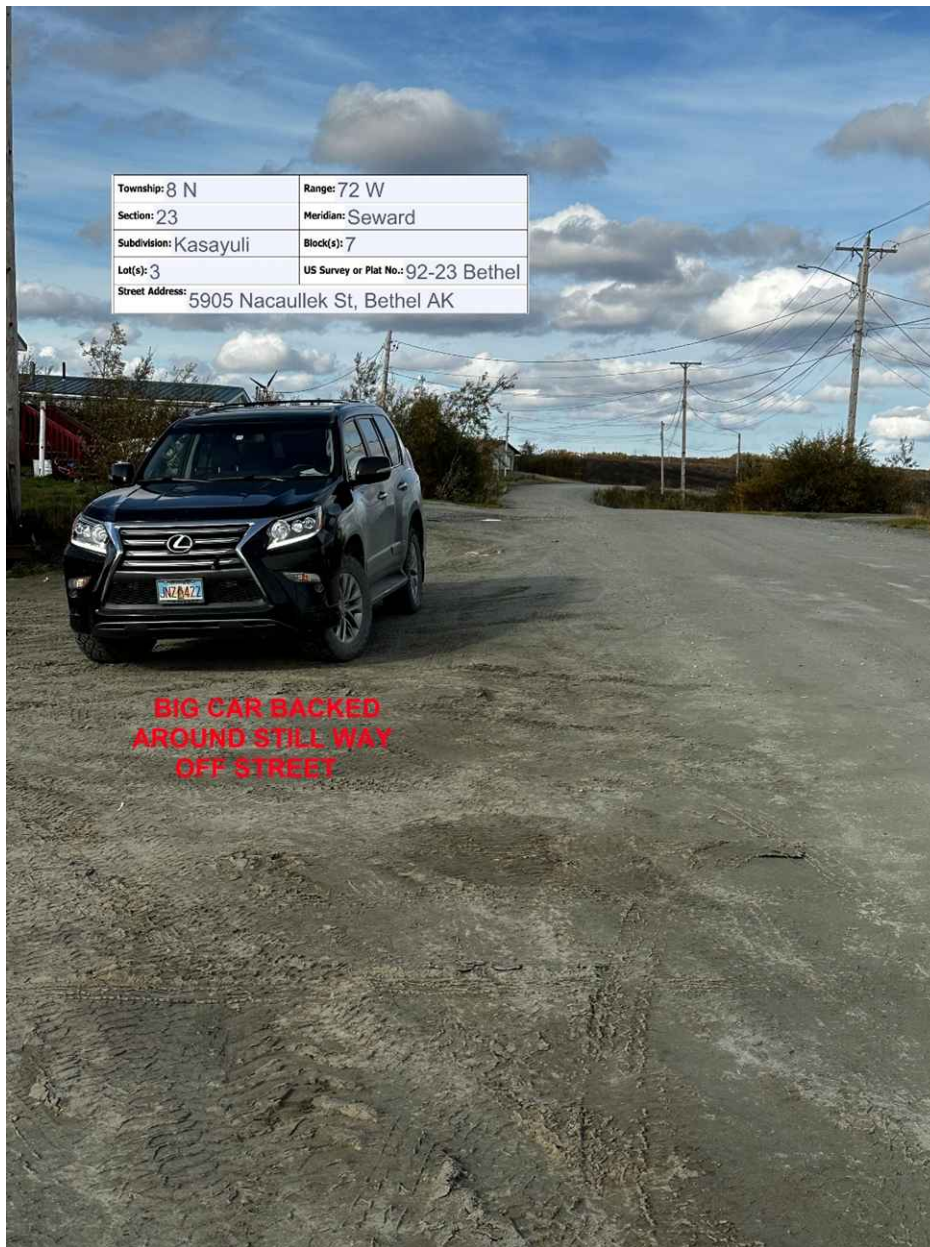
NACAULLEK ST (NACAULIEQ ST)

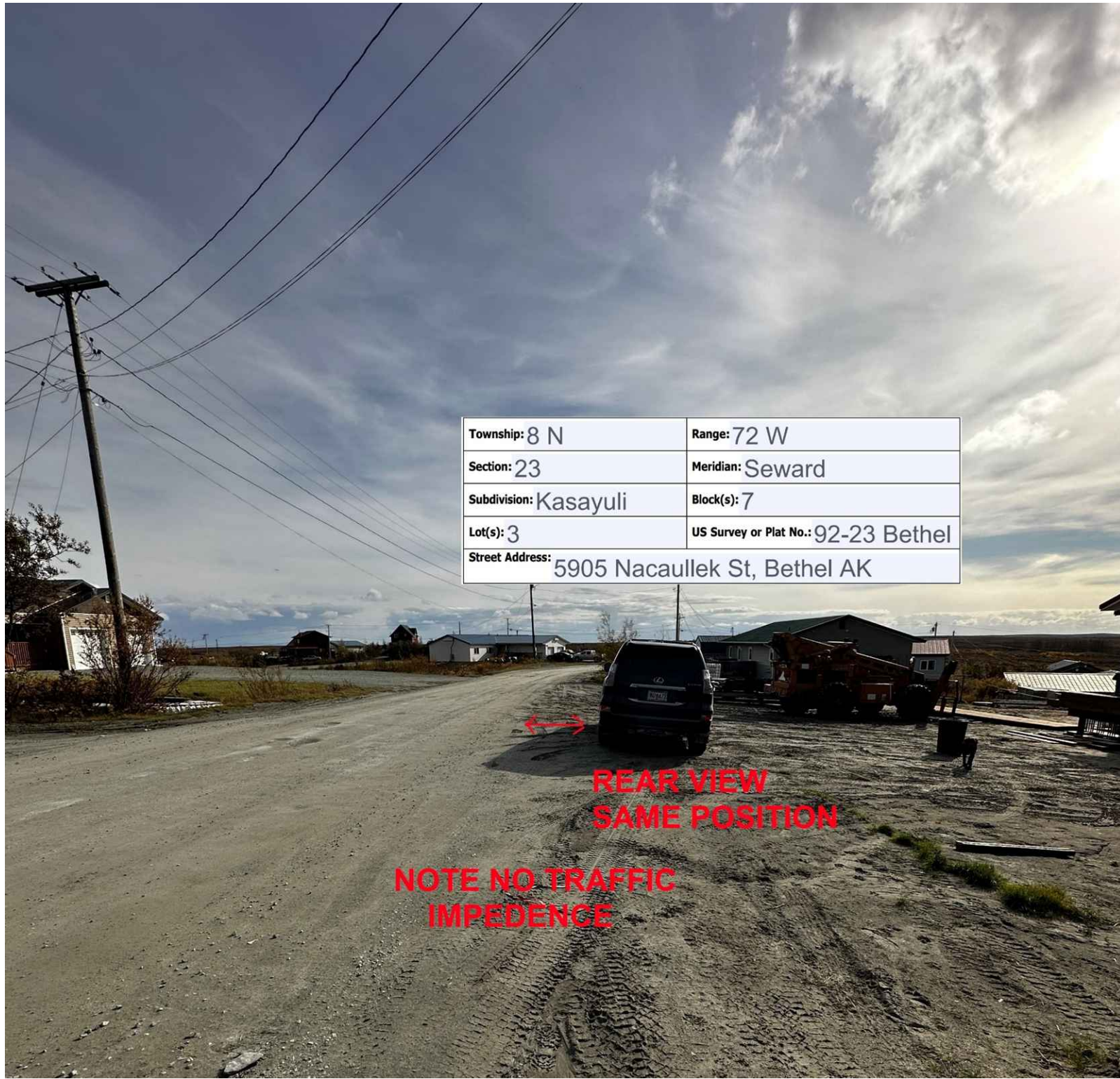
OWNER: KUQO CONSTRUCTION
July 19, 2022



APPENDIX 4: SITE PHOTOS







Township: 8 N	Range: 72 W
Section: 23	Meridian: Seward
Subdivision: Kasayuli	Block(s): 7
Lot(s): 3	US Survey or Plat No.: 92-23 Bethel
Street Address: 5905 Nacaullek St, Bethel AK	

**REAR VIEW
SAME POSITION**

**NOTE NO TRAFFIC
IMPEDENCE**

APPENDIX 5: NOTICING



City of Bethel

Planning Commission

Public Hearing Notice

Purpose: To obtain a Conditional Use Permit and Variance to open a church in the residential zone.

Location: 5905 Nacaulleq Street in the Kasayuli Subdivision.

Applicant/Property Owner: Stephen D. Holmes

City of Bethel Contact: phone 907-543-5306/5301 or email:

planning@cityofbethel.com

Time & Place: October 13, 2022 at 6:30 pm. Public meetings are being held in person at the City Hall Council Chambers located at 300 Chief Eddie Hoffman Highway and virtually via Zoom. To join the meeting on Zoom, follow these instructions:

1. Go to the website: <https://zoom.us/join> User ID: 863 4603 4837 Passcode: 221221

OR

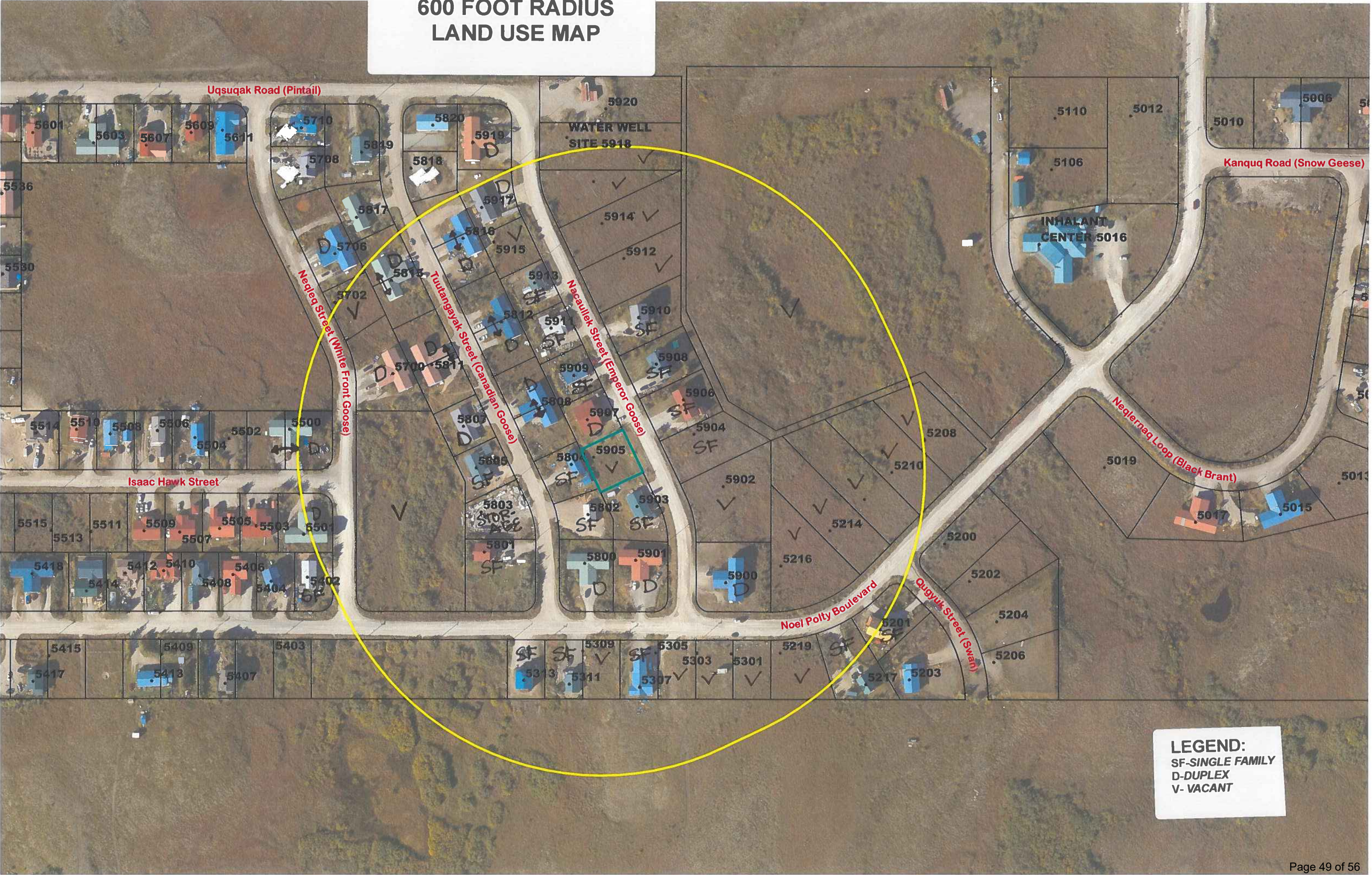
2. teleconference: choose one the following numbers if one does not work use the next number +1 669 900 9128 US (San Jose) +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 646 558 8656 US (New York) +1 301 715 8592 US (Washington D.C) +1 312 626 6799 US (Chicago) 877 853 5257 US Toll-free 888 475 4499 US Toll-free 833 548 0276 US Toll-free 833 548 0282 US Toll-free User ID: 818 5731 5166

Participant ID: 863 4603 4837 press # Passcode: 221221 (note: press *6 to mute/unmute phone).

LaQuita Chmielowski (DOWL) Acting Planning Director

I hereby certify that this Notice of Hearing – Purpose: Request a conditional use and variance for a church in the residential zone has been posted at the City Hall, Post Office, AC and Swanson's Bulletin Boards on or before October 7, 2022. It is further certified that this Notice has been published in the Delta Discovery on the October 5 & 12, 2022 publications.

600 FOOT RADIUS
LAND USE MAP





City of Bethel

Planning Commission

Public Hearing Notice

To whom this may concern: You are receiving this notice pursuant to the Bethel Municipal Code 18.04.070 (D) "Notice shall be mailed to the owners of each parcel of property any part of which is within six hundred (600) feet of the exterior boundary of the parcel that is the subject of the application."

Purpose: To obtain a Conditional Use Permit and Variance to open a church in the residential zone.

Location: 5905 Nacaulleq Street in the Kasayuli Subdivision.

Applicant/Property Owner: Stephen D. Holmes

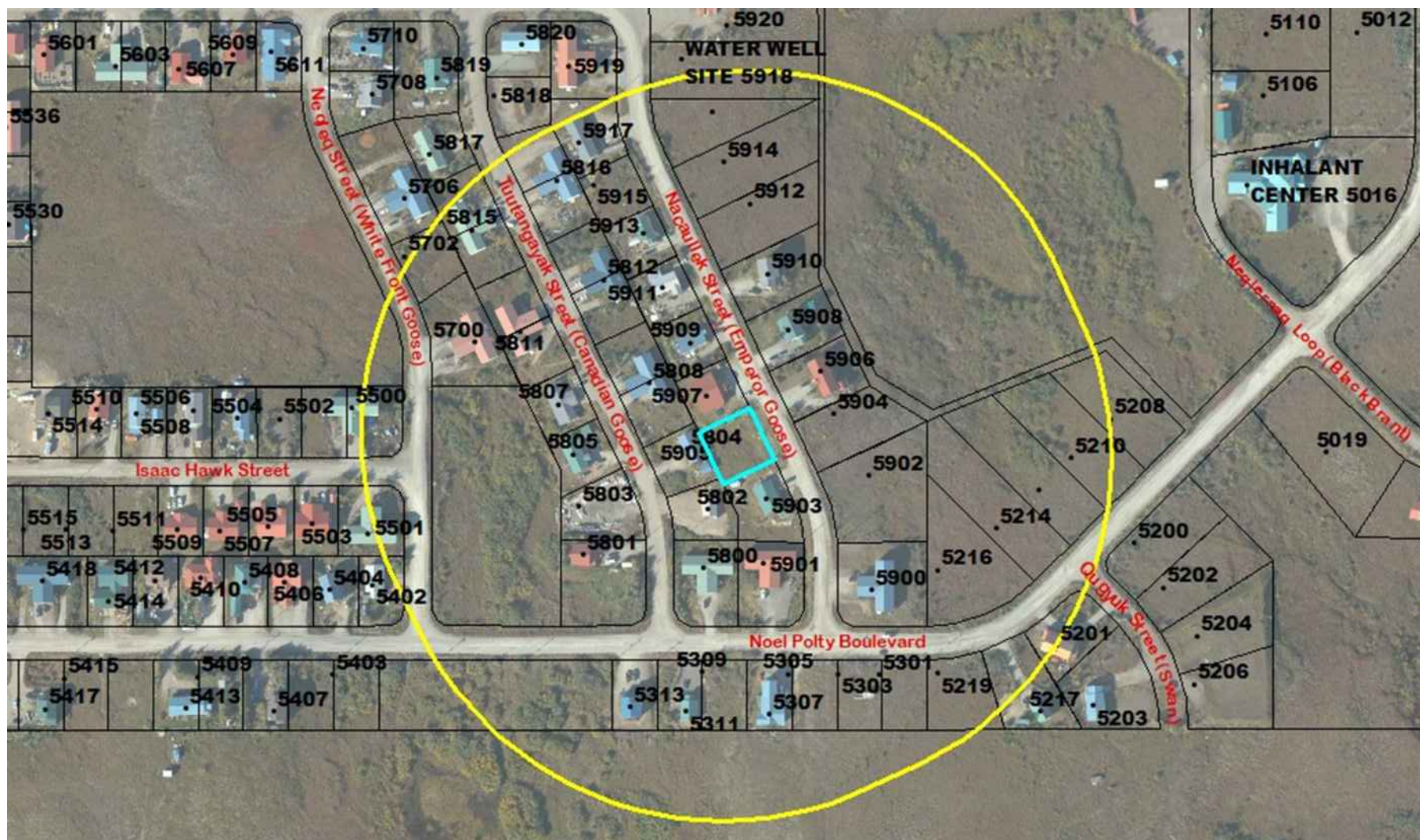
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City of Bethel

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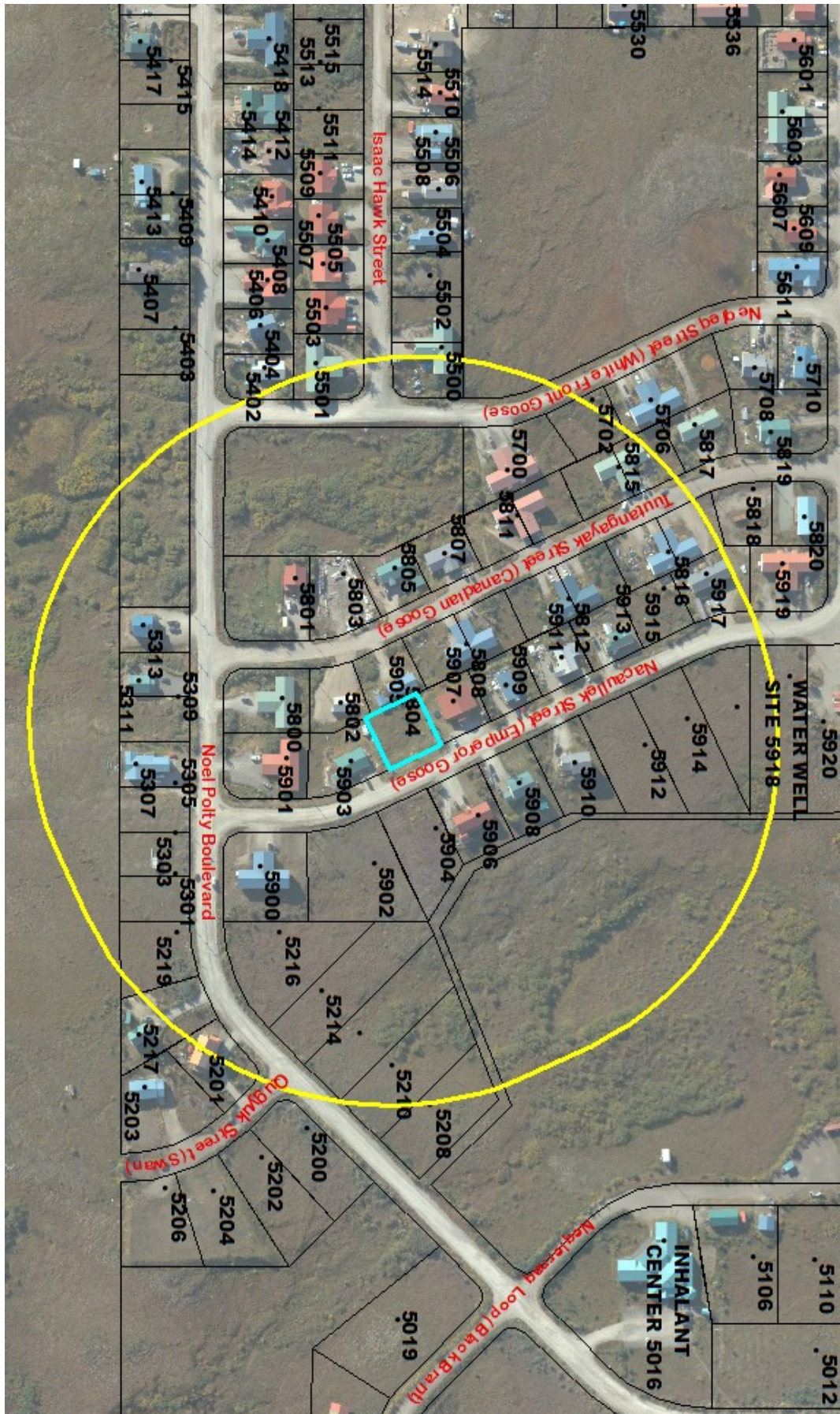
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planning@cityofbethel.com

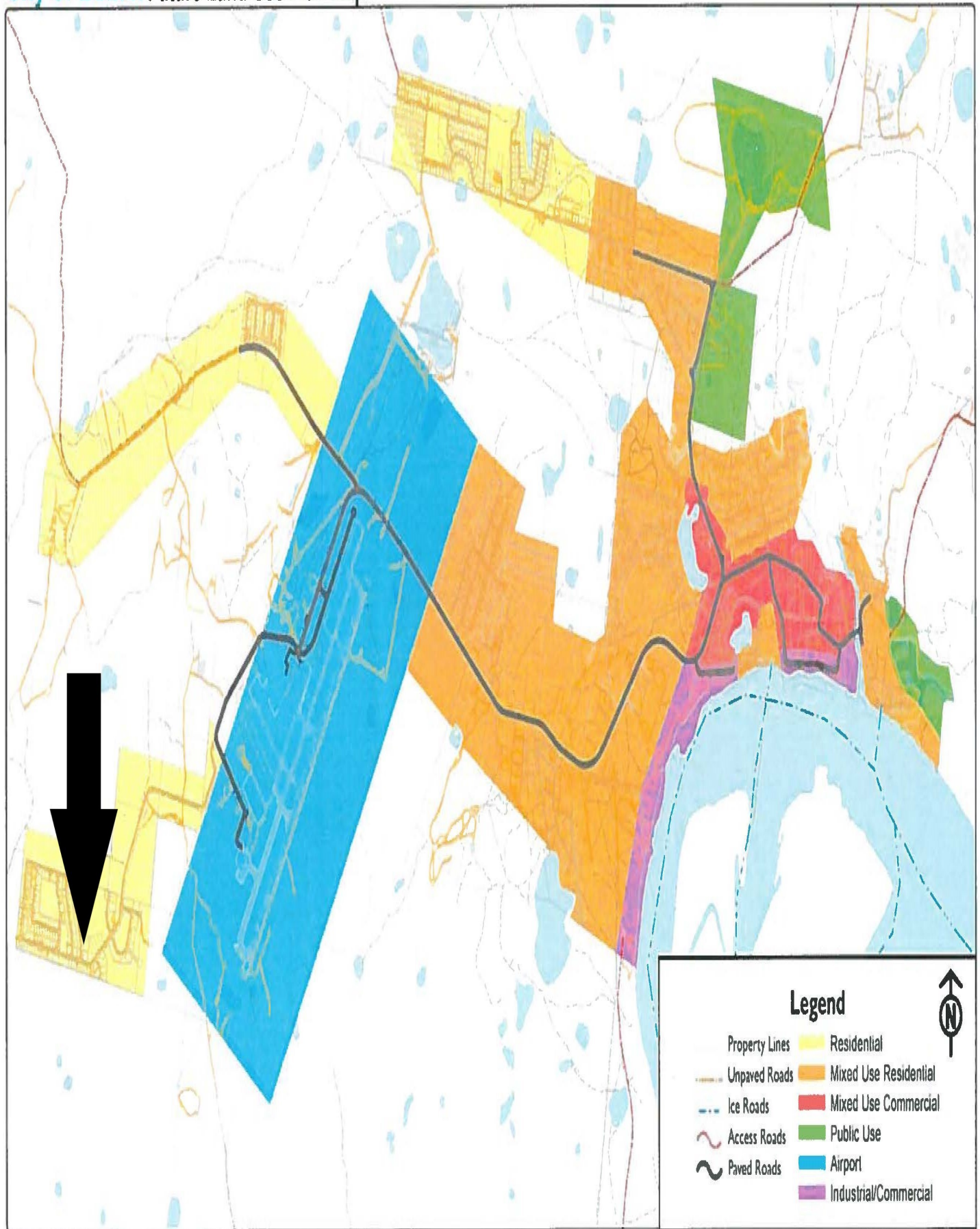
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City of Bethel Future Land Use Plan Map



Data courtesy of the USGS
 BLM, DNR, and Agnew Beck. This map was
 compiled for the City of Bethel with assistance
 from Agnew Beck Consulting. Alaska State Plane, Zone 4 (NAD 1983)
 File: Bethel_Ownership 11/22/10

0 1,320 2,640 5,280 Feet

