

## Vang, Mai (CI-StPaul)

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**From:** Soley, Reid (CI-StPaul)  
**Sent:** Wednesday, July 18, 2012 3:35 PM  
**To:** Moermond, Marcia (CI-StPaul); Vang, Mai (CI-StPaul)  
**Cc:** Magner, Steve (CI-StPaul); Yannarely, Joe (CI-StPaul); Lane, Wendy (CI-StPaul)  
**Subject:** 435 Thomas Ave. zoning status  
**Attachments:** KMBT20020120718152933.pdf; KMBT20020120718135725.pdf;  
KMBT20020120718151135.pdf

435 Thomas Ave. is a Cat. 3 duplex owned by David Busch, under his company name: DRB #24 LLC. It is located in a single-family zoning district and has had a legal nonconforming zoning status. Per the City's zoning code, that status expires after a year of discontinuance of use. It became a Vacant Building on August 23, 2007. On April 23, 2009, Mr. Busch was approved by DSI (under the "Bostrom Ordinance" approval requirements) to buy this property. Although it had been vacant longer than a year, at that time DSI's policy was to allow a continuation of the nonconforming use if the zoning administrator determined that there was "no intention to abandon the property." That determination was made on April 23, 2009 (see the attached letter, signed by Karen Zacho).

On May 13, 2009, Wendy Lane, DSI's Zoning Manager, issued a memorandum (attached) establishing a new policy regarding nonconforming structures which have had their legal status expire. There would no longer be zoning administrator determinations made concerning whether or not there was an "intention to abandon property." The new policy required that after a year of discontinuance of use, a nonconforming property must either be converted to a conforming use or Planning Commission approval must be obtained to reestablish the nonconforming use.

Because Mr. Busch was approved to rehabilitate 435 Thomas under the previous policy allowing continuation of the duplex use because of a determination that there was no intention to abandon, Wendy Lane's implementation of a new zoning policy did not impact this property at that time. However, there was a presumption that Mr. Busch would proceed with the rehabilitation in a timely manner. Attached is a signed and notarized statement from Mr. Busch, dated April 7, 2009, affirming his intention to complete all of the Code Compliance required repairs by September 31, 2009. Because he did not complete the repairs in a timely manner, Wendy Lane has stipulated that this property must now either be converted to a single-family dwelling or Planning Commission approval must be obtained to allow a future duplex use.



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