

October 17, 2012

Dave Thune
Saint Paul City Council
Via email

Re: Nonconforming Use Text Amendments

Dear Councilman Thune;

I am writing this letter to express my objection to particular elements of the proposed amendments approved by the Planning Commission. My specific objections are below:

Amendments to simplify or modify existing regulation

Sections that include these amendments are §§ 62.102, 62.104(b), (c), and (g), 62.106(c), (h), (k), and (l), 62.106(a), (c), (d), and (e), 64. 301, and 64.600. Key changes do the following:

- 1. The Planning Commission is given more flexibility to address nonconforming uses of land.*
- 2. A residential building vacant for longer than one year may be reestablished at the number of units for which it was originally constructed without going through the permit process to reestablish a nonconforming use.*

I do not support this change, as it would undo changes that our neighborhood views as essential to our future stability. Specifically, our neighborhood supported residential zoning changes that would reduce the likelihood that a property can be split into multiple units, which typically occurs for rental purposes. In addition, former multi-unit properties vacant for one year will have to apply for a nonconforming use permit.

The proposed changes will allow automatic approval of a nonconforming use based on the original construction. However, in our neighborhood, one of the oldest in Saint Paul, the records of the original construction are likely to be very limited. This change has a high probability of allowing multi unit buildings to be re-established without a nonconforming use permit, therefore undoing much of the value of the previous rezoning. This is likely to cause significant harm to owner occupied properties in the area.

Amendments to change the consent petition requirements

Sections 62.109(a), (b), (d) and (e) would be amended to alter the existing consent petition requirement.

The existing consent petition requirement for nonconforming use permits, that the owners of two-thirds of the properties within 100 ft. sign a consent petition before a hearing can be held, is becoming more burdensome on applicants. Many properties are owned by financial institutions in other states or countries. Language and cultural barriers also exist in some neighborhoods that make explaining the request more difficult. Since a sufficient petition is a prerequisite for an application to be accepted, those wishing to rehabilitate properties are prevented from making their case at a public hearing if they are not

able to obtain a sufficient number of signatures. The commission is recommending reducing the number of signatures from two-thirds to a majority (51%) (to a maximum of 20 signatures) as part of the proposed amendments.

I do not support this change, as I feel that it is critically important for neighborhoods to have a voice in any nonconforming use requests. Administrative simplification or overcoming the current logistical barriers of the recession are not adequate reasons to remove the rights and the voice of other property owners throughout the city of Saint Paul.

In summary, although I appreciate the attempts at simplification of the rules, I feel that the two changes recommended above would cause harm to current properties and neighborhood interests. I request that these two items be removed from the requested amendments.

Sincerely,

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