

Memo

To: Planning Commission
From: Bryan Myrkle
Date: February 27, 2015
Re: Class "A" Non-conforming Use request

On your commission agenda for March is a request from Mark Johnson for the property located at 454 N. Sheldon to receive a Class "A" Non-Conforming Use designation from the city. This property is at the corner of N. Sheldon and McLure Streets, across from Johnson Lumber.

Commissioners will no doubt remember that I had initiated a rezoning action earlier this year for this area, in an effort to eliminate the non-conforming status of the homes in this block of N. Sheldon, and also the neighboring block of McLure.

After its discussion, the Commission eventually limited that rezoning action to a single property that had a pending sale, with the understanding that the issue could be revisited in the future.

Since that time, another potential sale has come up – this time for 454 N. Sheldon. And, similar to the last instance, the purchaser is having difficulty obtaining financing for the home due to its non-conforming status. As before, our ordinance's limitation on rebuilding a non-conforming use is reducing this property's value as collateral in the eyes of the lender.

In order to remedy this, the property owner is requesting the Class "A" designation that would allow the structure to be rebuilt or expanded, even though it is non-conforming. It also preserves the existing setback requirements at Johnson Lumber, rather than changing them as would be the case under a rezone.

This seems like a good compromise solution for those properties like this one, which are in close proximity to Johnson's but have this problem. It remedies the issue for the buyer, seller and lender, while at the same time avoiding any negative effect on the neighboring industrial use. Therefore, I am recommending your approval of this Class "A" Non-Conforming Use request.

Included here for your reference is a copy of the request, and an aerial view of the site.

I have also included a letter to the Planning Commission from Mark Johnson that provides his views on the potential effects of rezoning in this area on his business. This primarily relates to the action contemplated at the January meeting, and not the request for Class A status you will be considering at this meeting.