

Fruhling, William

From: Katherine Rankin [REDACTED]
Sent: Sunday, June 27, 2010 11:01 PM
To: Fruhling, William
Subject: Removing Landmark references in zoning code

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Hi, Bill -

I am writing to you because I haven't met Amy and I didn't want her to think that, by writing to her on her first day, I was going to be a pest. I will be happy to talk to her if she ever feels the need, but I plan to sit back and let her do her own thing.

Anyway, I do have some interest in the zoning issue because I know the history of it. We had had a fair amount of complaints from people claiming that they didn't know the building they bought was in an historic district. In those days we wrote to owners every two years or so, but many said that the former owners hadn't said a thing about it. So we decided to do the suffix thing for landmarks and historic districts as a way of notifying owners and purchasers. Putting overlays on zoning maps would not have the effect of communicating to the owners because most of them and most realtors wouldn't think to look at a zoning map when they were buying a building. Real Estate condition reports now make a vague reference to historic buildings, but it is buried on a three page form and is much less direct than the zoning suffixes.

Second, I don't understand what Kitty Noonan meant when she said that the ordinance was not adopted properly. An assistant city attorney drafted it and put it through the normal process for zoning code amendments.

Third, since the Landmarks ordinance is referenced in the zoning code, the State is required to follow the Landmarks ordinance as part of their requirements to get zoning approvals. At the time I realized that, I talked to Gene and also to Dick Lehman to see if the City had that right and they agreed that we did. And Kitty N. says so in her comments. Otherwise, there would have been no reason for us to Landmark the Red Gym or Science Hall or the State Capitol grounds, and we would not have authority to regulate the Chancellor's House in University Heights and the Old Governors' Mansion in Mansion Hill.

Fourth, I read in Ledell's comments that the proposed new zoning code eliminates the R6H zoning. The R6H zoning, as you know, is supposed to cover some of the more important aspects of whether or not a building will fit in, except, of course for when the Mayor steps in and gets the Council to overlook City regulations :(. The R6H should remain in effect until whatever studies Ledell is alluding to are undertaken. The issue is important enough to warrant having a separate discussion about it, rather than quietly sweeping it under the rug.

Finally, Kitty N. notes that since the Landmarks regulations are referenced in the Zoning Code, Landmarks variances and appeals should have to follow zoning variance and appeal procedures. But, in the Edgewater discussions, Michael May specifically addressed that and told the Council that they were the proper body to hear a Landmarks appeal. It sounds to me that a simple ordinance amendment could make that clear, if it is not already.

Please copy this for the Commission members.

Thanks,