

Hello Everyone,

Tonight about 15 residents from The Downs went to City Hall to show their opposition to ZBA-73-06, the petition for a variance to allow more than two unrelated persons to live in #61 The Downs. Although we learned in the pre meeting that the petition would be continued until next month. Tom Bobitt, Associate City Attorney, explained that the City Attorney's office believes the notification portion of the no more than two unrelated people ordinance is flawed, and they need more time to revise it before hearing the petition. In the pre meeting, ZBA members Joe Romanek and John Sheffield commented that they had gotten stacks of email about this variance petition. Thanks to all of you who wrote letters and contacted board members about this issue.

Mr. Bobitt explained that the process the city uses for locating property owners is to send certified letters to the owner listed in the online tax records. In the case of #61, the letter went to the previous owner. However, I specifically asked, and Mr. Bobitt said that a letter also went to the physical address at #61 The Downs. He said that there is already a case concerning the same issue in Oakwood Court in Circuit Court and went before the Historic Preservation Commission meeting Monday night and asked for a 90 day moratorium on new historic districts until the notification process of the ordinance could be "fixed." He said the city was considering requiring neighborhoods applying for historic designation to hire title companies to do title searches on all the homes in the neighborhoods and give the city an accurate list of property owners.

This revision would put the responsibility of identifying the correct property owner on the neighborhood instead of the city.

Despite Tom Bobitt's explanation before the meeting, we decided to go into the council chambers and be present for the commencement of the meeting. After Joe Romanek called the meeting to order and announced that ZBA-73-06 would be continued to the November meeting, Steve Sikes asked to be recognized on behalf of The Downs. He noted that we were all present to register our opposition to the variance, then asked Tom Bobitt to explain why it was being continued and several other questions. Steve's statements and questions in the open meeting made our opposition and the City Attorney's Office position a matter of public record.

One important thing that I misunderstood after the last meeting is that Dr. Joiner and his lawyer are not arguing that the ordinance itself is unconstitutional; they are arguing that the notification process is unconstitutional.

This is the news as I understand it.

Sarah Perdue
45 The Downs