

Craig, Sondra

From: Andrew Elliott <aelliott1977@gmail.com>
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To: ZZ City Clerk External
Subject: Fwd: Objection to Proposed Ordinance 24-0683

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Council Members,

We ask that the Council reject the proposal to amend Section 115-34 as currently worded. The wording is too vague. The purpose of the 12 month prohibition on refile of rejected petitions is to provide clarity to both the petitioner and the City; limit ongoing and burdensome lobbying of the Council by the failed petitioner; and prevent the City from having to rule on multiple petitions for the same zoning issue.

The wording example cited in the City's legal memo is from the Board of Zoning Appeals. The BOZA's rule requires a substantial change in the appeal itself. The proposed amendment to the City's ordinance provides no such boundaries. As currently worded, something as simple as a change in a single Councilmember's opinion could be a "substantial change in circumstances" as determined by majority of the Council. This is self serving and defeats the purpose of the original 12 month rule. After a petition is rejected, the petitioner would be encouraged, rather than discouraged, to continue to lobby the Council to create some "substantial change in circumstances" no matter how vague or tangential it might be to the petition itself.

We ask that the proposed wording for the amendment to Section 115-34 be a mirror of the BOZA's. This would provide clarity as to what is required of the petitioner when making the appeal, protect the Council's limited time and resources as well, and give better guidance to the Council when making their decisions.

Thank you.

Andrew and Michelle Elliott