

Senator Burckhard,

Thank you for voting no on HB 1222. I heard that it may be coming back for reconsideration today. You're welcome to use these talking points to counter the opposition to this Bill:

- Non-conforming structures are old buildings that were built before zoning existed.
- These structures do not meet current zoning rules. For example, the structure may have been built too close to a property line or it may exceed the maximum building height of the zone it is located within.
- If the structure is destroyed by a flood or fire it can be rebuilt, but only if it meets current zoning standards.
- In a situation where a property owner cannot meet the current zoning standards, the property owner has the right to file a variance and ask for relief from the governing body.
- The variance can and should be granted if the property owner has a unique and legitimate hardship based on topography, the shape of the lot, or practical difficulties.
- Public hearings are typically held on variances. Neighboring property owners are given the ability to provide comments. Please remember that the neighboring property owners have property rights too.
- Decisions on non-conforming structures and variances are appealable to District Court. Due process is available to all parties.
- This bill has nothing to do with the rezoning of property. On Friday, Senator Meyer brought up an example from a constituent that had his property rezoned by a city and could not obtain a variance. This bill doesn't cover this situation. This bill is strictly tied to how a non-conforming building can be rebuilt, not whether it can or should be rebuilt.
- Senator Meyer also spoke about financing issues with non-conforming uses. Non-conforming structures do not have financing issues because the use is permitted.
- This bill is a dictatorial mandate by the State. It will not help North Dakota's communities. This is a local issue and it should stay that way. City Hall is the place to file a grievance on local rules and regulations. City Hall is accountable to its constituents.

Thank you for standing up for local government!

Brian

**Brian K. Billingsley, AICP**

*City of Minot, Community & Economic Development Director*

**Office Phone # (701) 857-4147**