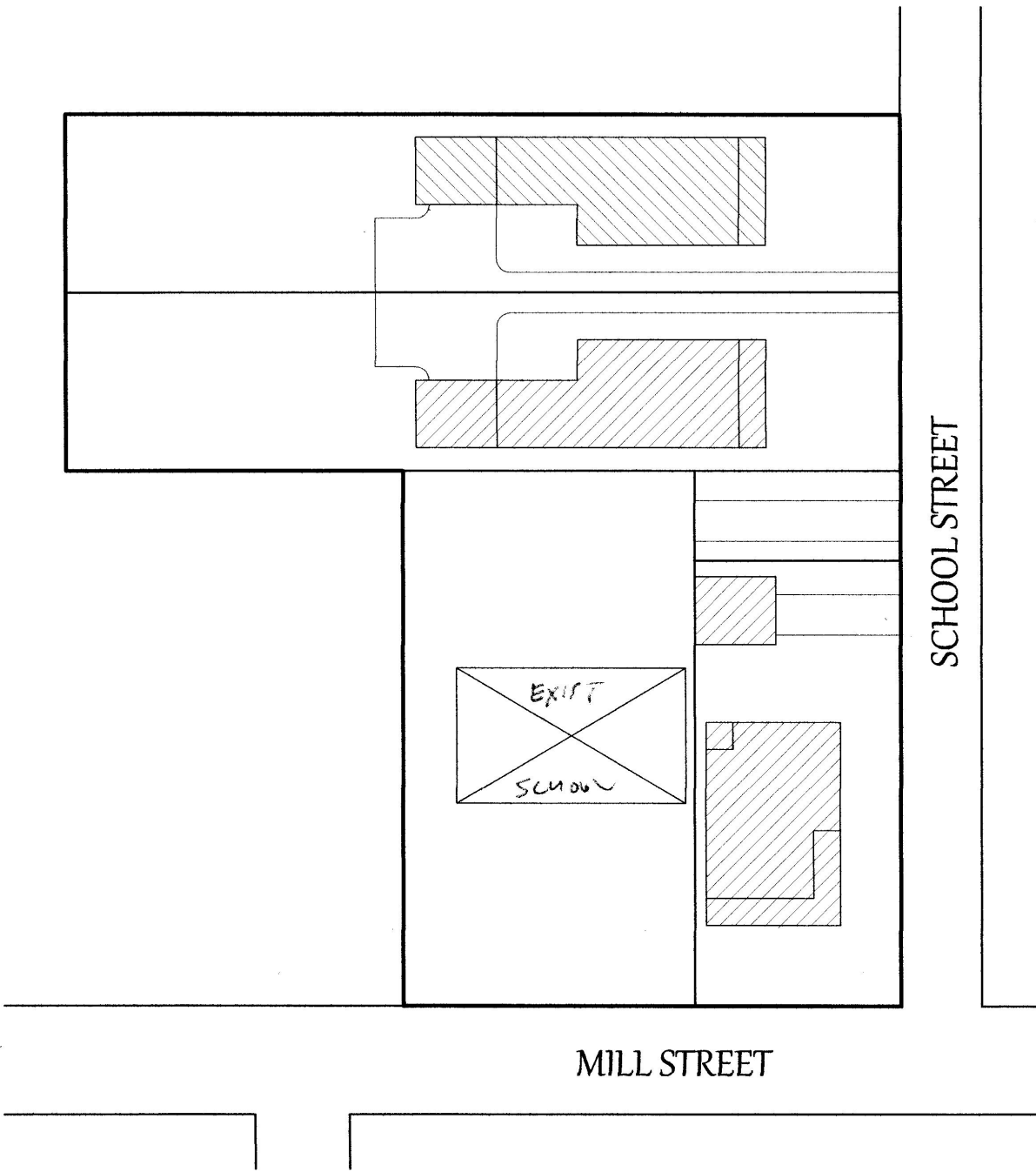


## THOUGHTS ON MILL STREET SCHOOL – Draft 02.12.2020

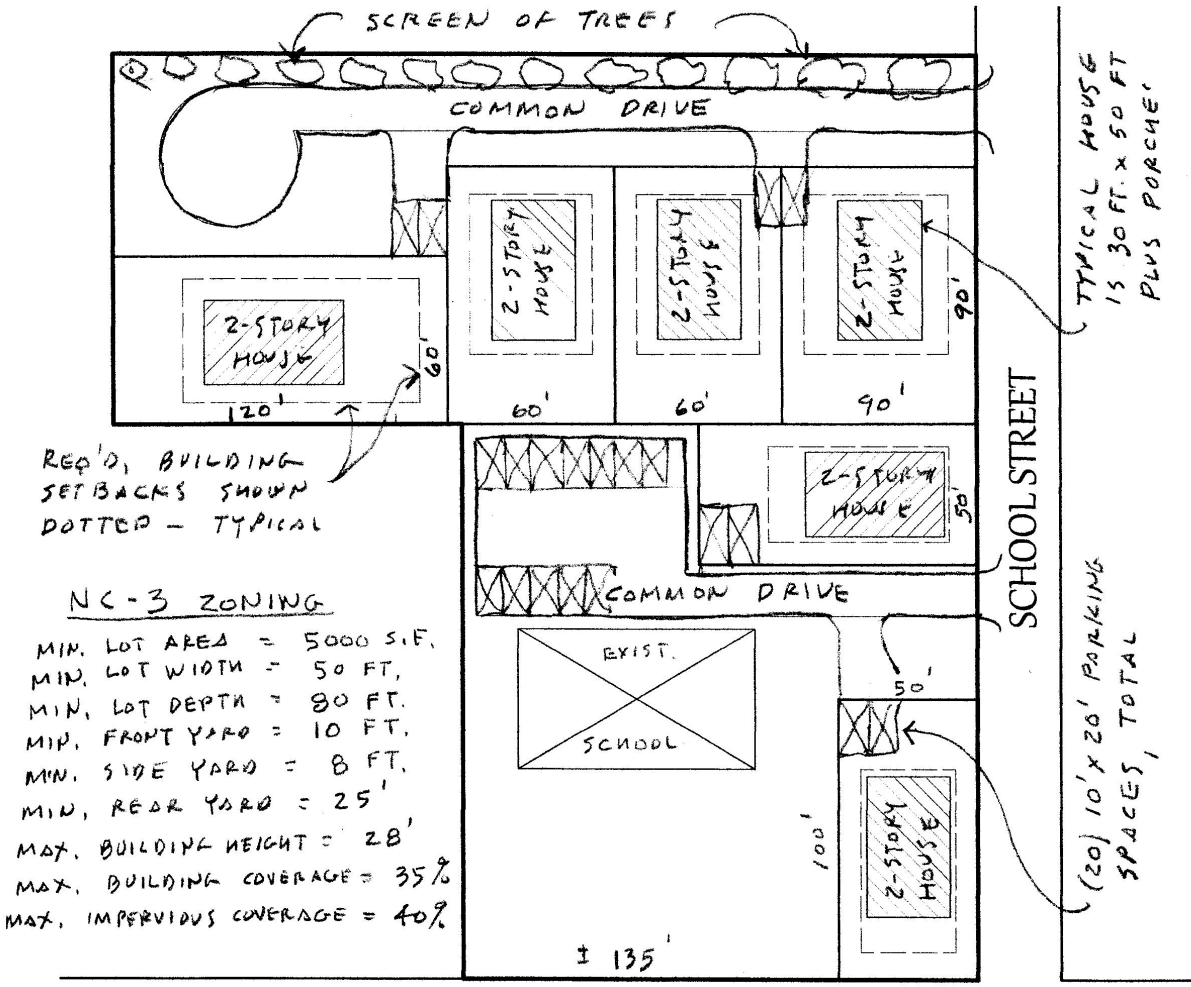
- The Mill Street School property is presently non-conforming, which means that its use is not approved for the zone that it is in. The current zoning classification is NC-3, which permits only single-family detached by right.
- The school building is currently in the process of self-destruction, but the process will take decades, during which the property will be an eyesore and a danger to the community.
- The City has, for some reason, decided to solve the problem by re-zoning the parcel. This action is the very definition of “spot zoning”, which is illegal.
- The City realizes that spot zoning is illegal and has tried a few things to misrepresent the concept. They first tried to include adjacent properties in the zone change, but the property owners rejected this. They now have decided to call the spot zoning “an overlay district”—it is still “spot zoning”. The rezoning of this parcel should be resisted by the citizens.
- The townspeople have vigorously characterized the school building as an “historic structure”. The structure might possibly be a “contributing building”, but it would not qualify as an historic structure on its own.
- In the realm of zoning, a non-conforming use cannot be made more non-conforming. Whatever is done with the school property, must be done in such a way that the requirements of the zone be met to the largest extent possible.
- The limitations of the physical form of the building, and the condition of the building, make its adaptive re-use unprofitable for any developer. Hence, all designs for the site include a saturation of residential use for the remainder of the property.
- The location of the building on the site is awkward for further development of the property.
- Zoning exceptions are only made in very rare instances, where a hardship to the owner is recognized. Inability to make a profit, or to even sell a property does not constitute a hardship. No hardship can be claimed for the school property.
- If the property was developed with houses in keeping with the surrounding neighborhood, it is doubtful that anyone would object. If the school building were to be restored and converted to a multi-unit residential use, it is doubtful that anyone would object. But if the site were to be saturated with the maximum number of structures, there would be a lot of objections. Why are we considering the maximum development, when there are other uses that are in keeping with the neighborhood?
- One possible use for the site would be to remove the building and divide the property into standard-sized lots where single-family homes could be built. The result of this would be that the neighborhood would retain its character and the owner could realize a small profit by the sale of the lots. The amount of money it would take to demolish the structure and to cover the costs of subdividing the site would still enable the owner to make some profit.

The development options for the school site are these:

1. Rehabilitate the school building to some type of residential use and provide off-street parking and new landscaping. This would affect the site the least and be the lowest density. It would be an accepted use within the zoning limitations, as “permitted with conditions”, because it would not increase the nonconformity and it would preserve the building. It might not be profitable enough for a developer.
2. Rehabilitate the school building to some sort of residential use and divide the remaining portions of the lot to single-family homes. This would allow most of the site to be in compliance with the zoning classification, while the school building itself would be classified as “permitted with conditions”. This plan should result in a developer being able to make a profit.
3. Rehabilitate the school building to some type of residential use and divide the remaining portions of the lot to multi-family residential use. This would result in the highest density—some development plans have indicated 23 units. This concept would result in a number of things detrimental to the neighborhood, including: increased impervious coverage and thus surface-water runoff, increased traffic, significant deviation from the use of the rest of the neighborhood, and it would be the least conforming to the zoning classification. This plan would provide the most profit for a developer but would be the least desirable outcome for the neighborhood.
4. Rehabilitate the school building to a professional, commercial, or governmental use. This would require a “special exception with conditions” approval with regard to the zoning. It could be combined with some form of residential use, but the impact to the neighborhood would not be desirable.
5. Demolish the school building, subdivide the property to lots in keeping with the requirements of the NC-3 zoning. This would be a profitable concept, but it would only be possible with the approval to remove the school structure—not likely at this point.



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