

MEETING DATE: March 8, 2022

STAFF: Brian Harker, Planner

PROJECT NAME: Chane & Amy Harris

CASE NUMBER/REQUEST: Case #22-100-02, to Rezone 16000 E. 23rd Street S. from C-2 (General Commercial) to R-6 (Single-Family Residential)

APPLICANT/OWNER: Chane & Amy Harris

PROPERTY ADDRESS: 16000 E. 23rd Street S.

SURROUNDING ZONING/LAND USE:

North: R-6 (Single-Family Residential)...single-family house
South: C-2 (General Commercial)...Aldi
East: C-2 (General Commercial)...Pappy's barber shop
West: C-2 (General Commercial)...Back Yard Burger restaurant

PUBLIC NOTICE:

- Letter to adjoining property owners – February 18, 2022
- Public Notice published in the Independence Examiner – February 19, 2022
- Signs posted on property – February 18, 2022

RECOMMENDATION

Staff recommends **APPROVAL** of this rezoning request.

PROJECT DESCRIPTION & BACKGROUND INFORMATION

PROJECT DESCRIPTION: Rezone an existing residence to 16000 E. 23rd Street S. from C-2 (General Commercial) to R-6 (Single-Family Residential)

Current Zoning:	C-2 (General Commercial)	Proposed Zoning:	R-6 (Single-Family Residential)
Current Use:	Single-Family Residence	Continued Use:	Single-Family Residential
Acreage:	Total acreage – 22,656-square feet		

BACKGROUND:

Chane and Amy Harris request to rezone a 0.5201-acre property, containing a single-family home, from C-2 (General Commercial) to R-6 (Single-Family Residential), which would be in accordance with the City's Comprehensive Plan, which designates the area as Residential Established Neighborhood. The approximately 1,430-square foot ranch house at 16000 E. 23rd Street is on Lot 79, a replat of Queen City Acres, a subdivision of mostly single-family homes.

Given the current zoning, the existing residence is legal nonconforming and therefore its continued use as a residence is permitted. However, the residential structure could not be rebuilt if there was substantial damage to the house or it was destroyed completely. In short, if the costs of rehabilitation or reconstruction accounts for more than 50 percent of the market value of the property (house and land), the residential use cannot be restored. Further, it is often difficult for owner occupiers to get financing for a home that cannot be rebuilt if damaged or destroyed.

ANALYSIS

Consistency with *Independence for All*, Strategic Plan:

The application is within keeping with the Measures for Success for, “Improved housing conditions,” and to “increase median value of owner-occupied housing units”.

Comprehensive Plan Guiding Land Use Principles:

The City Comprehensive Plan recommends Residential Established Neighborhoods uses for this property and area. The Guiding Principles state the need to, “...maintain housing stock in established neighborhoods”.

Historic and Archeological Sites:

There are no apparent historic/archeological issues with this property.

Public Utilities:

Water, sewer, and electrical services are available to the property.

Public Infrastructure:

No new construction is planned. There will be no change to the existing infrastructure.

REVIEW CRITERIA

Recommendations and decisions on rezoning applications must be based on consideration of all the following criteria:

1. Conformance of the requested zoning with the Comprehensive Plan.

The Comprehensive Plan envisions Residential Established Neighborhoods in the area. The property contains an existing single-family residence structure and use, which is consistent with vision of the Comprehensive Plan.

2. Conformance of the requested zoning with any adopted neighborhood or sub-area plans in which the property is located or abuts.

There are no neighborhood or sub-area plans for this area.

3. The compatibility of the proposed zoning with the zoning and use of nearby property, including any overlay zoning.

The proposed rezoning would be compatible with nearby and adjacent R-6 zonings and single-family residential uses.

4. The compatibility of the proposed zoning and allowed uses with the character of the neighborhood.

The proposed R-6 zoning and existing single-family use are compatible with the character of the adjacent single family uses to the north.

5. The suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations.

The structure could receive minor alterations like other former residences along the corridor, but the residential market for the existing residence may be more viable.

6. The length of time the subject property has remained vacant as zoned.

The property has long been used for a single-family home. Rezoning as such would be in keeping with the existing use, building design and residential character of the neighborhood to the north.

7. The extent to which approving the rezoning will detrimentally affect nearby properties.

The rezoning should not have any detrimental effect on area commercial or residential properties.

8. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

If the rezoning is denied, it could potentially inhibit the property owner in obtaining financing and rebuilding or making substantial improvements to the property. If approved, it will help to ensure the property's continuance as a residential investment and that it contributes to the stability of the adjacent neighborhood.

EXHIBITS

1. Applicant's letter
2. Application
3. Notification Letter
4. Affidavit
5. Addresses
6. Comp Plan Map
7. Zoning Map