
Fw: 119 Fyfer Place

marvin@toflelaw.com <marvin@toflelaw.com>
To: "Patrick.Zenner@como.gov" <Patrick.Zenner@como.gov>

Thu, Aug 8, 2024 at 3:45 PM

From: marvin@toflelaw.com <marvin@toflelaw.com>
Sent: Thursday, August 8, 2024 2:57 PM
To: Ruth Tofle <tofler@missouri.edu>
Subject: Fw: 119 Fyfer Place

From: marvin@toflelaw.com <marvin@toflelaw.com>
Sent: Thursday, August 8, 2024 2:56 PM
To: Planning@CoMo.gov <Planning@CoMo.gov>
Subject: Fw: 119 Fyfer Place

External (tofler@missouri.edu)

Report This Email FAQ GoDaddy Advanced Email Security, Powered by INKY

Dear Planning and Zoning Board, Planning@CoMo.gov

We own the house located at 1801 Cliff Drive) which abuts the corner of [119 Fyfer Place](#) and we have considered the rezoning proposal (Case REZN 000197-2024). We are opposed to the rezoning. We recently became aware of the **ADU option** which would be better than the R2 option.

[Accessory dwelling unit \("ADU"\). A secondary dwelling unit created on a lot with a principal one-family dwelling, and which is subordinate to the principal dwelling. Accessory dwellings may be internal to or attached to the principal dwelling, or built as a detached structure. Principal one-family dwellings shall not include single-family structures that have been devoted to other uses, including, but not limited to, boardinghouses and bed and breakfasts.](#)

I do not think this is a good time to be approving rezoning applications as the City's Central City Conservation project is now being considered by consultants hired by the City and the whole process is not over and making piecemeal decisions and changes may undermine the project. There are many other reasons not to approve the rezoning but they are premature at this time. Thank you for your time and consideration of this matter.

Thank you. Ruth and Marvin Tofle

Fwd: 119 Fyfer Place upzoning -- Planning & Zoning Thursday, August 8

j hammen <jrhammen@gmail.com>
To: Patrick Zenner <patrick.zenner@como.gov>

Thu, Aug 8, 2024 at 3:28 PM

> To Patrick Zenner and Planning and Zoning Commissioners,

>

>>>>

>>>> Fyfer Place is a street in a mixed-zoned--R1, R2 and RMF neighborhood. There are single-family homes, duplexes and apartment buildings. There are 13 single-family homes zoned R1 on Fyfer. Sunrise Dr, the street next to Fyfer, consists of 13 R2 zoned houses. These streets with modest houses are ideal for homeowners and renters alike. The size and continuity of zoning keep these R1 zoned houses on Fyfer Place affordable for those of modest means.

>>>>

>>>> The owners of 119 Fyfer Pl have requested to change the zoning from R1 to R2. The property currently has four bedrooms, a walkout basement and large lot, As an R1 property, the owners are allowed to rent to three unrelated persons. The owners state that the reason to upzone the property to R2 is to add a 4th tenant. Rezoning 119 Fyfer to R2 would make it the only home on Fyfer not zoned R1.

>>>>

>>>> Drawbacks to the zoning change are that R2 zoning allows for two dwelling units per parcel with four unrelated persons in each. Potentially, changing the zoning from R1 to R2 could add not 1 but 5 more persons. Also, the lot size is such that an owner could tear down and build a duplex on the site.

>>>>

>>>> An alternative to rezoning the property which would accomplish the goal of adding one more person to the rental is to request a conditional use permit for an accessory dwelling unit (ADU). The lot at 119 Fyfer meets the 5000 square-foot requirement as does the other properties on Fyfer Place.

>>>>

>>>> Definition: Accessory dwelling unit ("ADU"). A secondary dwelling unit created on a lot with a principal one-family dwelling, and which is subordinate to the principal dwelling. Accessory dwellings may be internal to or attached to the principal dwelling, or built as a detached structure. Principal one-family dwellings shall not include single-family structures that have been devoted to other uses, including, but not limited to, boardinghouses and bed and breakfasts.

>>>>

>>>> Please deny R2 zoning and suggest a conditional use permit for an ADU for 119 Fyfer Place.

Please send this letter to commissioners before the meeting if it all possible.

Thank you,

Janet Hammen

Ward 6

>>>>

>>>>

P&Z August 8, 2024: 119 Fyfer Place

j hammen <jrhammen@gmail.com>
To: Patrick Zenner <patrick.zenner@como.gov>

Thu, Aug 15, 2024 at 4:48 PM

Mr Zenner,

At the August 8, 2024 Planning and Zoning Commission meeting there were several statements made during public comments and, I believe, from commissioners concerning the legality of renting an R1 zoned house to four unrelated persons. The applicant stated, as did others, that 119 Fyfer Place was legally leased to four unrelated persons in 2018.

My understanding is that the standard for rental of an R1 zoned property, if not to a family plus 1 or 2 unrelated persons, is for three unrelated persons to live on the premises. There was no change in the law that made the situation legal or illegal; that has been the standard for years.

If that is a correct understanding, I request that the record be corrected in the minutes and staff report to Council that, in 2018 119 Fyfer PI was not in compliance with City rental ordinances and renting that property to four unrelated persons was not a legal rental situation.

Thank you,
Janet Hammen