

**AGENDA REPORT  
PLANNING AND ZONING COMMISSION MEETING  
August 8, 2024**

**SUMMARY**

A request by Patricia and James Fox (owners) for approval to rezone their 0.52-acre property, at 119 Fyfer Place, from R-1 (One-family Dwelling) to R-2 (Two-Family Dwelling) to allow four unrelated tenants to occupy the rental unit, per the definition of 'family' in Section 29-1.11(a) of the UDC.

**DISCUSSION**

The applicants are seeking approval to rezone a 0.52-acre parcel, located at 119 Fyfer Place, from R-1 (One-family Dwelling) to R-2 (Two-family Dwelling). The subject property is improved with a 4-bedroom single-family home that has served as a rental property for several years, under multiple property owners. The current owners wish to legitimize the existing fourth bedroom by seeking approval to rezone their property to the R-2 zoning district.

Currently, the R-1 zoning permits just one 'family' per dwelling unit. 'Family' is defined by the UDC as the following:

- 1) **An individual, married couple, or registered domestic partnership and the children thereof**, including foster children placed in the household by a public agency, and **no more than two (2) other persons related directly to the individual, married couple or registered domestic partnership** by blood or marriage, occupying a single housekeeping unit on a nonprofit basis. **A family may include not more than one additional person, not related to the family by blood or marriage**; or
  - a) **In zoning districts R-1 and PD (when the PD development density is five (5) or less dwelling units per acre), a group of not more than three (3) persons not related by blood, marriage, or registered domestic partnership**, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis; or the use of a dwelling unit by four (4) persons not related by blood, marriage, or registered domestic partnership, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis, prior to February 4, 1991, shall be allowed to continue in districts R-1 and R-1 PUD as a lawful nonconforming use.
  - b. **In all other applicable zoning districts, a group of not more than four (4) persons not related by blood, marriage, or registered domestic partnership**, living together by joint agreement and occupying a single housekeeping unit on a nonprofit cost-sharing basis.

The applicants purchased the subject property in March 2018, and first applied for a rental license in late November 2019, which was issued in January 2020. The exception found in section (1)(a) of the definition of family, therefore, does not apply given that the rental property had not operated with four tenants continuously since before February 4, 1991. The provisions of subsection (b) indicate that four unrelated tenants are permitted in any zoning district besides the R-1 and PDs (Planned Districts) designated for single-family densities of less than 5 units per acre. Therefore, the applicants are requesting R-2 zoning in an effort to activate the existing fourth bedroom of their rental unit, which is unusable under the current R-1 zoning.

The applicants have provided an analysis (attached) of lot sizes in relation to the existing zoning along Fyfer Place and Sunrise Drive, which they believe helps justify their rezoning request. The analysis does show that the subject lot is significantly larger than the nearby R-1 lots to the west along Fyfer

Place. In fact, the subject lot would rank as the fifth largest when compared to neighboring R-2 lots along Sunrise Drive. The analysis also considers the gross floor area of each structure in the neighborhood, and again suggests that the structure on the subject site is comparable in size to the R-2 structures, as opposed to those situated in the R-1 district. These factors are important to note in terms of density given that the larger lots provide opportunities for additional units and infill development.

The applicants have also provided a narrative within their application letter addressing the increased parking demands resulting from an additional tenant residing on the property. They note that off-street parking is provided in two locations. A paved driveway is located in front of the home and additional parking is available on a second driveway near the northeast corner of the property within a portion of a vacated street right-of-way. Rockhill Road (previously an extension of Moss Avenue) was vacated by Ordinance No. 015429 in 1997 and the land was transferred to the adjacent property owners.

The existing rental unit has been rented as a single-family use, allowing just 3 tenants, since the applicants took ownership of the property. The single-family parking requirement is two parking spaces per unit. However; given the UDC definition of 'family', the requested R-2 zoning would expand that definition to include the fourth tenant. Therefore, the use would still be considered single-family and the parking requirement would not be impacted.

Staff believes the proposed R-2 zoning to be consistent with the goals and objectives of the comprehensive plan. Rezoning would optimize use of the existing structure without significant impacts to the neighborhood, which is predominantly rental housing. The proposal does not include any redevelopment of the subject property and the rezoning would result in a negligible change to the land use context by extending the R-2 district just one lot to the east of its current location.

## **RECOMMENDATION**

Approval of the requested rezoning to the R-2 district.

## **SUPPORTING DOCUMENTS (ATTACHED)**

- Locator Maps
- Zoning Exhibit
- Application Letter
- Applicant's Zoning & Lot Size Analysis
- Subdivision Plat

## **SITE CHARACTERISTICS**

<b>Area (acres)</b>	0.52 acres
<b>Topography</b>	Sloping up from N to S, steep slopes on south half of lot
<b>Vegetation/Landscaping</b>	Majority of lot is wooded
<b>Watershed/Drainage</b>	Hinkson Creek to Perche Creek
<b>Existing structures</b>	Single-family home

**HISTORY**

<b>Annexation date</b>	1906
<b>Zoning District</b>	R-1 (One-family Dwelling)
<b>Land Use Plan designation</b>	Neighborhood District
<b>Previous Subdivision/Legal Lot Status</b>	Lot 14, Block 4 of Gentry's Revision of Fyfer's Subdivision

**UTILITIES & SERVICES**

<b>Sanitary Sewer</b>	City of Columbia
<b>Water</b>	
<b>Fire Protection</b>	
<b>Electric</b>	

**ACCESS**

<b>Fyfer Place</b>	
<b>Location</b>	North side of parcel
<b>Major Roadway Plan</b>	N/A
<b>CIP projects</b>	None
<b>Sidewalk</b>	None; required upon replatting of the property

**PARKS & RECREATION**

<b>Neighborhood Parks</b>	Stephens Lake, Clyde Wilson Memorial, Cliff Drive, Lions-Stephens Parks
<b>Trails Plan</b>	Stephens Lake Park Perimeter Trail, Hinkson Creek Trail, Rollins Street
<b>Bicycle/Pedestrian Plan</b>	N/A

**PUBLIC NOTIFICATION**

All property owners within 200 feet and City-recognized neighborhood associations within 1,000 feet of the boundaries of the subject property were notified via public information postcards on July 8<sup>th</sup>, 2024 of the pending action. Property owner letters were sent and an ad was placed in the Columbia Daily Tribune on July 23<sup>rd</sup>, 2024 advertising the public hearing relating to the permanent zoning of the property.

<b>Notified neighborhood association(s)</b>	East Campus, East Campus Traditional
<b>Correspondence received</b>	None

Report prepared by Rusty Palmer

Approved by Patrick Zenner