

VARIANCES FOR LOTS BETWEEN 9,000 AND 10,000 SQUARE FEET IN SIZE

Statement of Impact: These draft code changes would increase the number of lots that qualify for an existing variance in Independence Development Code Subchapter 70.

Purpose: The City of Independence minimum lot size for a detached single-family home is 5,000 square feet in most residential zones. However, in one neighborhood – Hill’s Addition – a variance is allowed to permit lots as small as 4,500 square feet. The original lots in Hill’s Addition were 66 feet by 148.5 feet, or 9,801 square feet in size. The variance provisions in IDC 70.021 (established in 1995) were intended to allow the lots to be divided.

While this approach makes sense, the allowance was not extended to similar neighborhoods. For example, the variance does not apply in nearby subdivisions such as Hall’s Addition or Patterson’s Addition, which were originally designed to have the exact same lot dimensions as Hill’s Addition.

This draft code would expand the variance to those neighborhoods, as well as others. Slight changes to the requirements for the variance are also included.

70.021 Standards for Reducing ~~the a~~ Minimum Lot Size to 4,500 Square Feet ~~in Hill's Addition~~

Existing lots ~~in Hill's Addition~~ in the City of Independence may be reduced to no less than 4,500 square feet if the Planning Commission finds that the variance would meet all of the following standards:

A. Any ~~new~~ lot created under the provisions of this Subsection ~~must will be~~ rectangular or approximately rectangular in shape.

B. Any lot created under the provisions of this Subsection will have direct vehicular access to an adjacent improved street or alley. If a street or alley is present, but not improved, and is intended to provide access to the lot, the improvement will be installed from the nearest street to and across the entirety of the property (at minimum) prior to the creation of the lot. ~~have a minimum frontage on a public street of 15' to allow for a driveway access, mail delivery and street address for police and emergency services.~~

B.C. The variance will be consistent with the Comprehensive Plan and with the purpose of the zoning in which the applicant's property is located.

~~C. Varying the requirements of the zoning ordinance will be of greater benefit to the public than would enforcement of the requirements of the zoning ordinance.~~

D. Granting the variance will not be materially detrimental to the public welfare or to improvements or residents in the neighborhood of the subject property, including considerations of public fire and life safety protection.

E. For properties located within the National Historic District, granting of the variance will result in a lot, which maintains any unifying development patterns such as sidewalk and street tree location, setbacks, building coverage and orientation to the street.