

STAFF REPORT FOR PLANNING COMMISSION MEETING OF JUNE 24, 2009

FILE NO: VAR-09-044

AGENDA ITEM: H-4

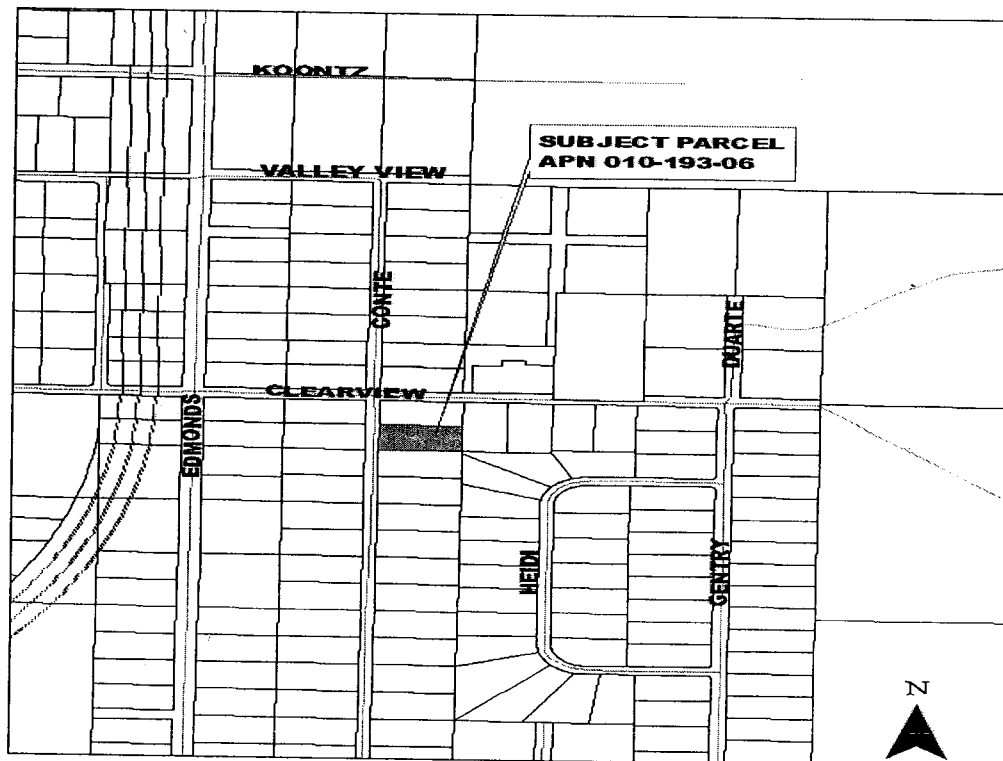
STAFF AUTHOR: Kathe Green, Assistant Planner

REQUEST: Request to reduce the required side setback from 15 to three feet and the rear setback from 30 to 23 feet to allow construction of a garage. The property is located in the Single Family 1 Acre zoning district.

APPLICANT/OWNER: David M. and Penelope A. C. Hampton

LOCATION/APN: 4321 Conte Drive/010-193-06

RECOMMENDED MOTION: "I move to approve VAR-09-044, a variance request to allow a reduction of the required side setback from 15 to three feet and rear setback from 30 to 23 feet to allow construction of a garage in the Single Family 1 Acre zoning district, located at 4321 Conte Drive, APN 010-193-06, based on three findings and subject to the conditions of approval contained in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

The following shall be completed prior to commencement of the use:

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Planning Commission meeting for further considerations.
2. All development must be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on and off site improvements must conform to City standards and requirements pursuant to Development Standards and other adopted municipal code sections.
4. Project requires application for a Building Permit, issued through the Carson City Building Division (CCBD). This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
5. The applicant must meet all the conditions of approval and commence the use (obtain and maintain a valid building permit) for which this permit is granted within twelve months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning and Community Development Department thirty days prior to the one-year expiration date. Should this permit not be initiated within one year and no extension granted the permit shall become null and void.

The following are required with the submission of a building permit:

6. The applicant shall submit a copy of the signed Notice of Decision and conditions of approval signed by the applicant.
7. The plans submitted for review shall comply with the prescriptive requirements found in the Carson City Building Division handout titled: *RESIDENTIAL PLAN SUBMITTAL REQUIREMENTS: One & Two Family Dwellings and Accessory Structures* This handout may also be found online at: www.carson-city.nv.us/Index.aspx?page=1024
8. Wall lines located less than 5'-0" to a property line shall have a minimum of 1-hour fire resistance rating. This will require that as a part of the plan submittal that a detail(s) is provided that clearly shows the construction of the rated assembly. In addition, the detail shall clearly identify the third party testing agency, the assembly's listing name and/or

number, and all information necessary to field construct the rated assembly. ('06 IRC Section R302.1 & Table R302.1)

9. The Site Plan, provided as a part of the plan submittal, shall clearly indicate how the drainage between the retaining wall and the proposed garage will be addressed. Prescriptively, the run off shall be diverted away from the garage foundation using a 5% minimum slope, which is directed around the building using drainage swells. It is recommended that Mr. Hampton contact the Carson City Engineer Division at (775) 887-2300 for addition guidance and direction. ('06 IRC Section R401.3 Exception)

The following are general requirements applicable through the life of the project:

10. The applicant must meet all applicable codes and ordinances as they apply to this request.
11. Exterior lighting shall be residential in nature. Any lighting of the exterior of the garage shall be by "porch lighting" with a maximum of one 60 watt bulb per light fixture. All exterior glass on the fixture must be frosted or the fixture must be full cutoff to direct light downward.
12. Materials and colors for the exterior of the garage, including roofing, siding and doors must match the exterior appearance of the primary building.
13. The size of the garage is limited to 624 square feet (26x24) and is also limited to a single story of no more than 10 feet in overall height.

LEGAL REQUIREMENTS: CCMC 18.02.085 (Variances), 18.02.050 (Review) 18.04.055 (Single Family 1 Acre) 18.04.190 (Residential Districts Intensity and Dimensional Standards)

MASTER PLAN DESIGNATION: Low Density Residential (LDR)

PRESENT ZONING: Single Family 1 Acre (SF1A)

KEY ISSUES: Will the proposed reduction in the side and rear yard setbacks to allow the placement of a garage do material damage to the adjacent neighborhood? Has a hardship, pursuant to CCMC 18.02.085, been established by the applicant to the satisfaction of the Planning Commission?

SURROUNDING ZONING/LAND USE INFORMATION

NORTH: Single Family 1 Acre /Residential
SOUTH: Single Family 1 Acre /Residential
EAST: Single Family 1 Acre/ Residential
WEST: Single Family 1 Acre/ Residential

ENVIRONMENTAL INFORMATION

- 1 FLOOD ZONE: C Map 130 of 190
- 2 EARTHQUAKE FAULT: Moderate zone V, questionable fault within 500 feet.
- 3 SLOPE/DRAINAGE: Slopes heavily to the west, some to the south and east as well
- 4 SOILS: 35 Indiano Variant. Gravelly fine sandy loam, 4%-15% slopes.

SITE DEVELOPMENT INFORMATION

- 1 LOT SIZE: 1.05 acres or approximately 45,738 square feet
- 2 SIZE OF PROPOSED GARAGE: 624 square feet (26x24)
- 3 HEIGHT OF GARAGE: Overall height 10 feet.
- 4 PARKING: Adding two parking spaces, but may also be used for storage.
- 5 SETBACKS: Required: 30 feet front, 15 feet side, 30 feet rear
SETBACKS: Proposed: No change front, left side 3 feet, right side no change, 23 feet rear.
- 6 VARIANCES REQUESTED: Allow a reduction in the side and rear setbacks in the area of the proposed garage.

ADDITIONAL REVIEWS

None

DISCUSSION:

A variance is a zoning procedure which grants a property owner relief from certain provisions of a zoning ordinance, when, because of the particular physical surroundings, shape, or topographical conditions of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, self-imposed hardship or a desire to realize monetary gain and/or excessive profit.

The property is a rectangle with heavy sloping to the south and west. The neighbor to the north built a very tall retaining wall with a wrought iron fence on top in 1982. This wall has been placed along the common property line between the applicant and the neighbor to the north, with the height increasing as it moves to the east, with the highest portion along the eastern boundary, where it is over 10 feet in overall height. The applicant states the height and appearance of this wall is the physical surroundings hardship which makes utilization of his property difficult. The slope of the property to the west and south also reduces the availability of other areas for use as a garage. The garage is proposed to the rear of the property. The existing wall, slope and proposed location at the rear of the property would reduce the visibility of the garage to the neighborhood. In addition, the height of the proposed garage has been limited by the applicant to less than 10 feet. The overall height would be just below the top of the retaining wall/fence which would be directly to the north. The appearance of the proposed garage would be further limited by the location of the existing house and detached garage already on this site.

The applicant has submitted several pictures showing the wall on the north and the original construction of a garage in this location in 1991. The applicant applied for and received approval to build a garage on this site in this location at a point five feet from the side and 23 feet from the rear property lines. At that time, accessory structures in this zoning district were

allowed to be placed five feet from the property lines per Carson City Municipal Code 18.05.100.2 Accessory Structures as stated in the codified version of July 1982: "A detached accessory building, within residential districts, not exceeding fifteen feet in height, may be built within a required rear or side yard setback, provided such structure is at least five feet from property lines." The applicant started construction of the garage, poured a foundation and placed the walls and roof on the garage. According to the applicant, once the roof was placed on the garage, the neighbor to the north objected to the location of the garage. It was then determined that the garage had been built in error at a point not five feet but rather three feet from the side (north) property line. As a result of the objections of the neighbor, the applicant decided to move the garage to a new point on the property rather than relocate the garage the required two feet further to the south. The applicant applied for and received a modification to the building permit in 1992 to move the garage to a new location on the site. This existing garage is shown on the submitted site plan.

The Carson City Municipal code was subsequently changed to state that detached accessory buildings in the larger lot zoning districts must meet standard setbacks. The formerly approved five foot setbacks to the side and rear are no longer available. At this time the applicant requests to be allowed to rebuild the garage near the previously approved location and to utilize the existing foundation which is still on the site. The applicant has submitted several pictures of the construction of the original garage, showing the progress of the foundation, walls and roof. Construction was stopped prior to adding the exterior and roofing details. The garage was moved to a new site on the property, and then completed.

The size of the primary structure is 3,066 square feet. The applicant is allowed to have up to 50% of the size of the primary structure in detached accessory structures, up to 5% of the total parcel area in detached accessory structures and up to five garage bays without additional review. The proposed project does not exceed these restrictions.

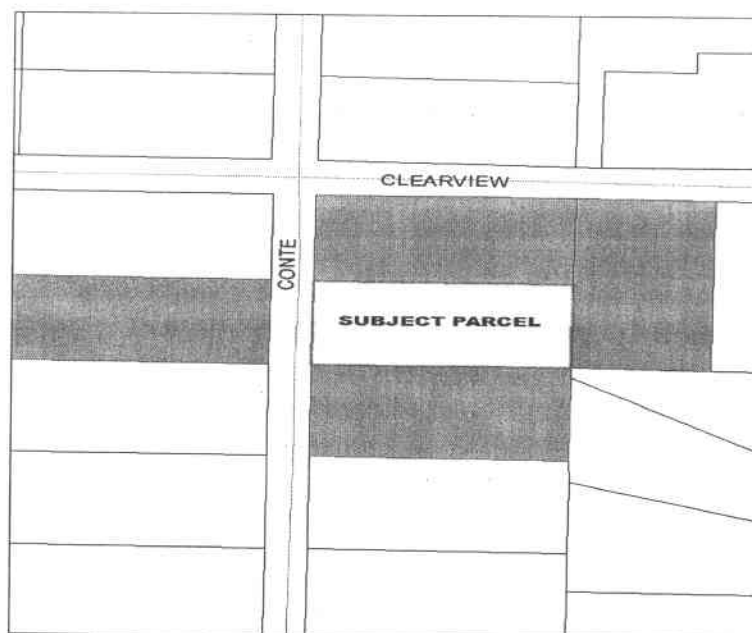
It is very common in the larger lot zoning districts to have large storage areas, including recreational vehicle storage, corrals, barns, carports and tool sheds. All are common where larger homes located on larger lots support additional vehicles and storage in additional garage space or accessory buildings on the site, without the appearance of crowding. The applicant has also submitted a map and several pictures showing large accessory structures in the close vicinity of his property.

There are no curb, gutters or sidewalks in this area. Lighting, if any, would be restricted to "porch lighting" with no more than a single 60 watt bulb per fixture and restricted to frosted glass with a covered top to eliminate light going up, as a condition of approval. Higher wattage or additional lighting must be aimed downward only.

According to the applicant, the neighbor to the north built the retaining wall at a point one foot inside the neighbor's property line. The garage is therefore proposed to be constructed four feet from this retaining wall. The applicant is proposing that the height of the garage be as low as possible, to reduce the impact of its appearance to the neighborhood. The applicant states this imposing wall decreases the available use of his property in this area, while the garage

being proposed at a height less than the height of the adjacent fence will not be an imposition to the neighborhood.

The applicant has submitted a letter of support from four of the surrounding property owners. This letter of support includes a signature line from the daughter and son-in law of the property owner to the east. These residents have lived on the on the property for many years, and according to the applicant, did contact the owner to verify her support of this project prior to their signing on her behalf for support of the proposed garage in this location. Below is a map showing the location of the properties in support of the proposal in relation to the subject parcel:



PUBLIC COMMENTS: Public notices were mailed to 30 adjacent property owners within 425 feet of the subject site. The applicant has submitted a letter of support signed by four of the surrounding neighbors. No other comments in support or opposition of the proposal have been received. If any comments are received after this report is completed, they will be submitted to the Planning Commission prior to or at the meeting on June 24, 2009.

AGENCY COMMENTS: All comments from various City departments and agencies which were received as of June 10, 2009 are included or attached to this report.

Building: See attached comments which are also included in the conditions of approval.

Engineering: Development Engineering has no preference or objection to the request and no recommended conditions of approval.

Fire: The applicant will be required to comply with all codes and ordinances as they apply to this request.

Health: No comments. The applicant must meet all applicable codes and ordinances as they apply to this request.

Parks and Recreation: No concerns.

FINDINGS: Staff's recommendation is based upon the findings as required by CCMC Section 18.02.085 (Variances) enumerated below and substantiated in the public record for the project.

1. That because of special circumstances applicable to the subject property, including shape, size, topography, and location of surroundings, strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classifications.

The applicant previously built a garage in this location, but moved it to a new location on the site when it was discovered it was three, rather than five feet, from the side property line and the neighbor objected to the height. The special circumstance is the neighbor's very tall retaining wall and fence, which the applicant states reduces the use of his property along this imposing wall, and the topography of the site, which slopes heavily to the south and west. In addition, the applicant could have moved the garage two feet to the south and continued with building at this location on the site prior to the change of the municipal code which has increased the current requirements for setbacks.

2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant.

The parcel is 1.05 acres and is compatible with other properties in the area, as it is located in the Single Family 1 Acre zoning district, requiring a minimum lot size of one acre. Larger properties often have larger homes, outbuildings and accessory structures. The special circumstances are the imposing retaining wall on the north and the slope of the property to the west and south which reduce the usable areas available on this property.

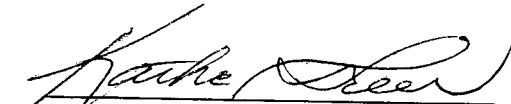
3. That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

An approval of the 624 square foot garage in the proposed location on the site would not be detrimental to others in the area as is evidenced by the letter of support of four of the surrounding property owners. The proposal under review would be to allow the garage to encroach 12 feet into the side yard setback, placing the garage at three feet rather than the standard 15 and to encroach seven feet into the rear property setback, placing the garage at 23 feet rather than the standard 30 feet.

No detriment is foreseen as a result of the approval of this request to vary the setback on the side and rear to allow the construction of the garage at a point nearer than 15 feet from the side property line and nearer than 30 feet from the rear property.

Respectfully submitted,

PLANNING and COMMUNITY DEVELOPMENT DEPARTMENT


Kathe Green, Assistant Planner

Attachments

Building Division comments
Engineering Division comments
Health Division comments
Fire Division comments
Parks and Recreation comments



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

Carson City Development Engineering Planning Commission Report File Number VAR-09-044



TO: Planning Commission

FROM: Jeff Sharp, P.E. - City Engineer

DATE: June 10, 2009

MEETING DATE: June 24, 2009

SUBJECT TITLE:

Action to consider a Variance application from property owner David M. Hampton to reduce the required setbacks to allow a detached garage structure on property zoned SF 1 acre, located at 4321 Conte Drive, APN 010-193-06.

RECOMMENDATION:

Development Engineering has no preference or objection to the variance request, and no recommended conditions of approval.

DISCUSSION:

Development Engineering has reviewed the request within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.085, Variances:

CCMC 18.02.085 (2a) - Adequate Plans

The information submitted by the applicant is adequate for this analysis.

CCMC 18.02.085 (5c) - Adverse Affects to the Public

The Engineering Division finds that the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to public welfare or materially injurious to property or improvements in the neighborhood of the subject if the conditions of approval are met.

H:\EngDept\IP&ESHARE\Engineering\Planning Commission Reports\Variances\VAR 09-044 setbacks, 4321 Conte, apn 010-193-06.doc

ENGINEERING DIVISION • 2621 Northgate Lane, Suite 54 • Carson City, Nevada 89706
Phone: (775) 887-2300 Fax: (775) 887-2283 E-mail: engdiv@ci.carson-city.nv.us

File # (Ex: MPR #07-111)	VAR 09-044
Brief Description	Reduction in set back from 15'-0" to 3'-0"
Project Address or APN	4321 Conte Drive / APN 10-193-06
Bldg Div Plans Examiner	Don Wilkins, Plans Examiner
Review Date	June 5, 2009
Total Spent on Review	

BUILDING DIVISION COMMENTS:

NOTE: These comments do not constitute a complete plan review, but are merely observations based on the information provided.

Scope of Application

Reduction in the side yard set back from 15'-0" to 3'-0" and a reduction in the rear yard set back from 30'-0" to 23'-0" for a detached residential accessory building (Garage w/ Electrical)

General

1. Project requires application for a Building Permit, issued through the Carson City Building Division (CCBD). This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. The plans submitted for review shall comply with the prescriptive requirements found in the Carson City Building Division handout titled: *RESIDENTIAL PLAN SUBMITTAL REQUIREMENTS: One & Two Family Dwellings and Accessory Structures*. This handout may also be found online at: www.carson-city.nv.us/Index.aspx?page=1024
3. Wall lines located less than 5'-0" to a property line shall have a minimum of 1-hour fire resistance rating. This will require that as a part of the plan submittal that a detail(s) is provided that clearly shows the construction of the rated assembly. In addition, the detail shall clearly identify the third party testing agency, the assembly's listing name and/or number, and all information necessary to field construct the rated assembly. ('06 IRC Section R302.1 & Table R302.1)
4. The Site Plan, provided as a part of the plan submittal, shall clearly indicate how the drainage between the retaining wall and the proposed garage will be addressed. Prescriptively, the run off shall be diverted away from the garage foundation using a 5% minimum slope, which is directed around the building using drainage swells. It is recommended that Mr. Hampton contact the Carson City Engineer Division at (775) 887-2300 for addition guidance and direction. ('06 IRC Section R401.3 Exception)

MEMORANDUM

TO: Community Development

FROM: Duane Lemons, Fire Inspector

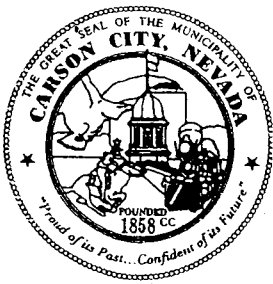
DATE: May 18, 2009

SUBJECT: AGENDA ITEMS FOR JUNE 24, 2009 PLANNING COMMISSION MEETING

We reviewed the agenda items for the June 24, 2009 Planning Commission Meeting and have the following comments:

- VAR-09-044 David & Penelope Hampton The applicant will be required to comply with all codes and ordinances as they relate to this request.
- VAR-09-048 Jack W & Sheryl McLaughlin The applicant will be required to comply with all codes and ordinances as they relate to this request.
- SUP-07-058 James B Foley We have no concerns with the applicant's request.

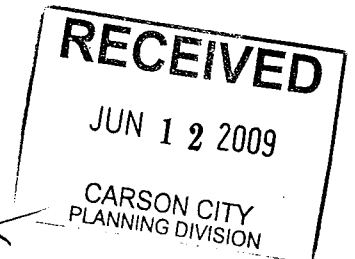
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CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

MEMORANDUM



TO: Lee Plemel, Planning Director
Jennifer Pruitt, Senior Planner (Hardcopy and Email)

FROM: Roger Moellendorf, Parks and Recreation Director
Vern L. Krahm, Park Planner
Juan F. Guzman, Open Space Manager

DATE: June 12, 2009

SUBJECT: Parks and Recreation Department's comments for the Wednesday, June 24, 2009
Planning Commission meeting.

VAR-09-044	No comments.
GM-09-038	Refer to attached memorandum from Roger Moellendorf, Parks and Recreation Director, dated May 29, 2009.
VAR-09-048	No comments.

Carson City Planning Division

2621 Northgate Lane, Suite 62 • Carson City NV 89706

Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us**FILE # VAR - 09 - 09 - 044****PROPERTY OWNER**

David M. and Penelope A.C. Hampton

MAILING ADDRESS, CITY, STATE, ZIP

4321 Conte Drive, Carson City, Nevada 89701

PHONE #

(775) 883-4488

FAX #**Name of Person to Whom All Correspondence Should Be Sent
APPLICANT/AGENT**

David M. Hampton

MAILING ADDRESS, CITY, STATE ZIP

4321 Conte Drive, Carson City, Nevada 89701

PHONE #

(775) 883-4488

FAX #**E-MAIL ADDRESS**

dhph@att.net

FOR OFFICE USE ONLY:

CCMC 18.02

VARIANCE**FEE: \$2,150.00 + noticing fee**
application digital data (all to be submitted once application is deemed complete by staff)**SUBMITTAL PACKET**

- ☐ 6 Completed Application Packets
(1 Original + 5 Copies)
- ☐ Application Form
- ☐ Site Plan
- ☐ Building Elevation Drawings and Floor Plans
- ☐ Proposal Questionnaire With Both Questions and Answers Given, supporting documentation
- ☐ Applicant's Acknowledgment Statement

- ☐ Documentation of Taxes Paid-to-Date (1 copy)

Application Reviewed and Received By:**Submittal Deadline:** See attached PC application submittal schedule.**Note:** Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.**Project's Assessor Parcel Number(s):**

10-193-06

Street Address

4321 Conte Drive, Carson City, Nevada 89701

ZIP Code**Project's Master Plan Designation**

Low Density Residential

Project's Current Zoning

Single Family One Acre

Nearest Major Cross Street(s)

Clearview and Conte Drives

Briefly describe your proposed project: (Use additional sheets or attachments if necessary). In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal.

In accordance with Carson City Municipal Code (CCMC) Section: 18.04.190

Section _____, a request to allow a variance as follows:

To allow the construction of a low profile garage, storage and workshop building of 624 square feet in less than the parcel's setback limits. It is to be used for temporary storage of our son's household goods and truck while he is away in the U.K. and Afghanistan. Later, our plan is to use it as a garage and workshop. The key issue here is the special circumstance involving a large retaining wall inches from the property line.

PROPERTY OWNER'S AFFIDAVIT

I, David M. Hampton, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Signature

4321 Conte Drive, Carson City, Nevada 89701
Address

Date

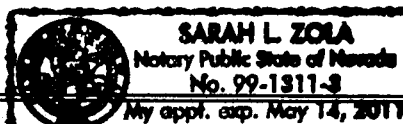
4/29/09

Use additional page(s) if necessary for other names.

STATE OF NEVADA
COUNTY _____

On April 29, 2009, DAVID M. HAMPTON, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Notary Public



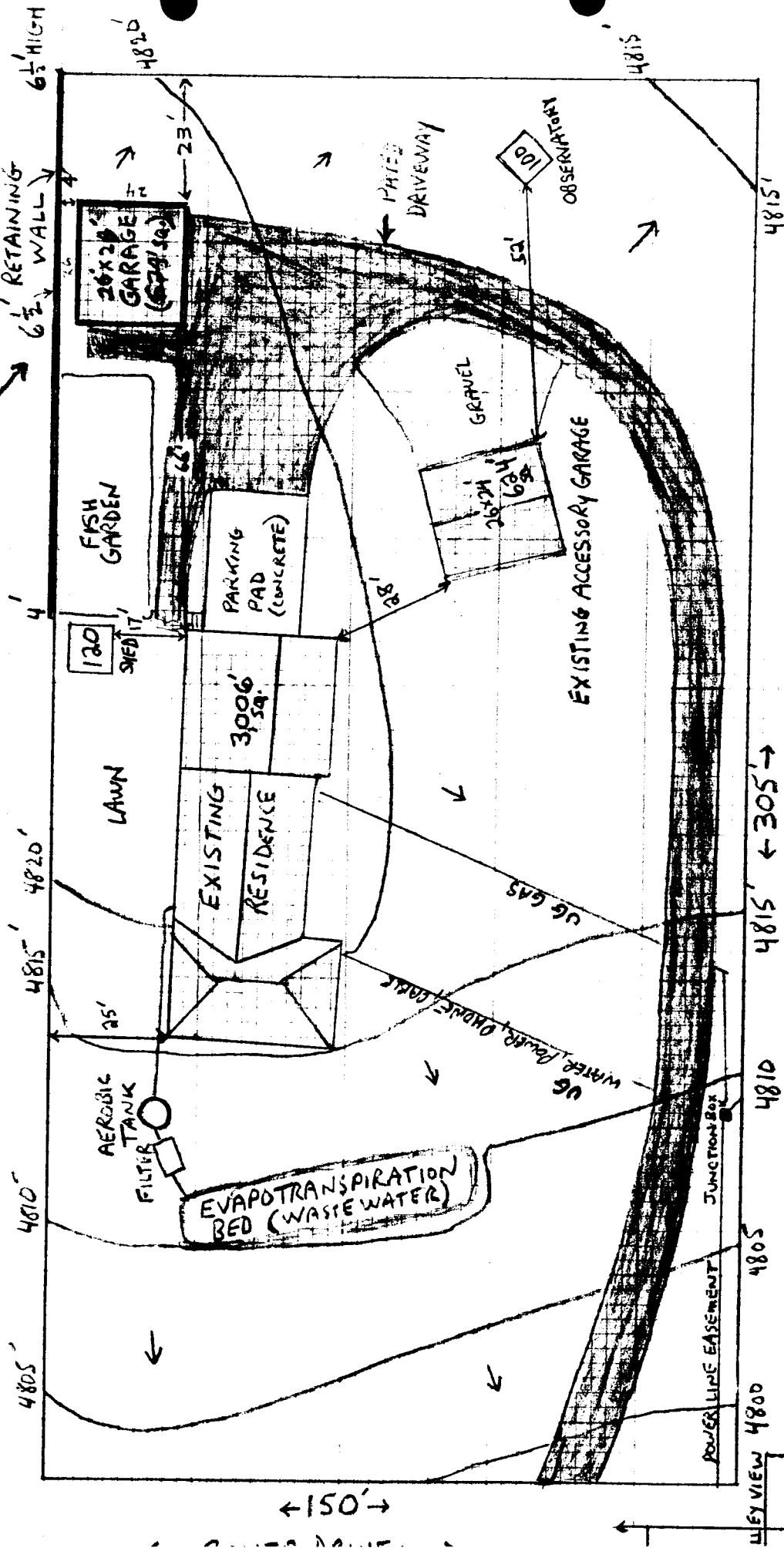
NOTE: If your project is located within the historic district, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, and/or the Redevelopment Authority Citizens Committee prior to being scheduled for review by the Planning Commission. Planning Division personnel can help you make the above determination.

**VARIANCE REQUEST
GARAGE PROPOSAL**

PLOT PLAN

OUTBUILDING TOTAL = 48.8%
OF MAINBUILDING AREA
INCLUDING PROPOSED GARAGE

ASSESSOR'S PARCEL # 10-193-6



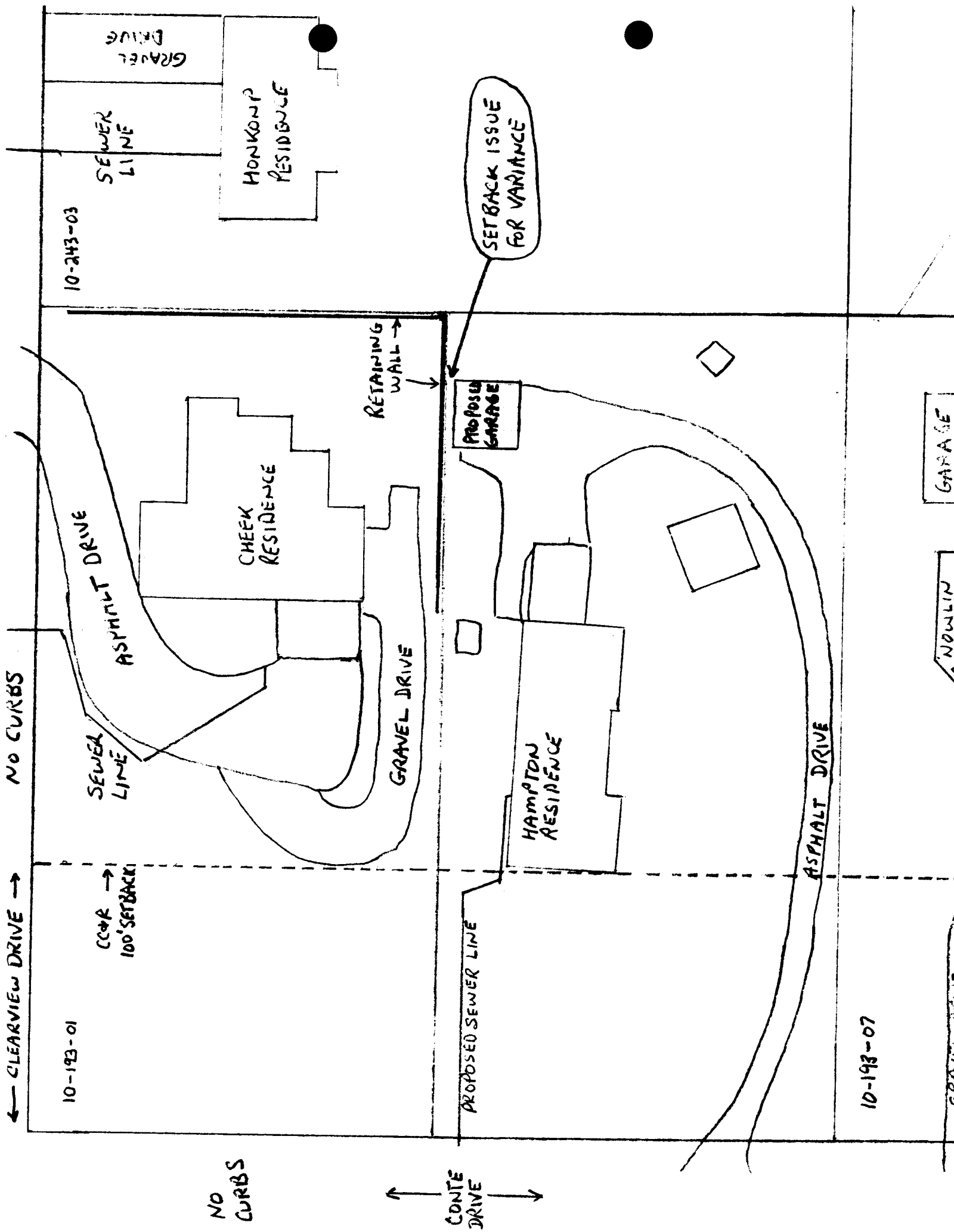
PLOT
PLAN

SCALE 1" = 32'

↑
↓

LOCATION: SOUTH 150' OF N.W. $\frac{1}{4}$ OF N.E. $\frac{1}{4}$ OF N.W. $\frac{1}{4}$ OF SEC. 33, T. 15N, R. 20E M.D.M.

CONTE
DRIVE



← CLEARVIEW DRIVE →

← CONTE DRIVE →

10-193-01

10-243-03

10-193-07

100' SETBACK

SEWER LINE

GRAVEL DRIVE

SEWER LINE

HONKONP RESIDENCE

CHEEK RESIDENCE

HAMPTON RESIDENCE

PROPOSED SEWER LINE

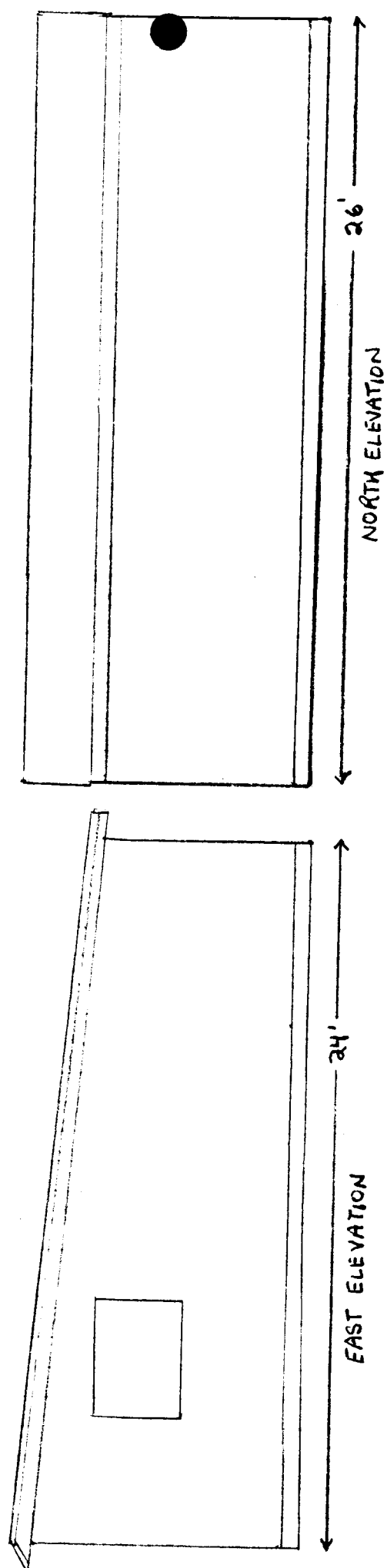
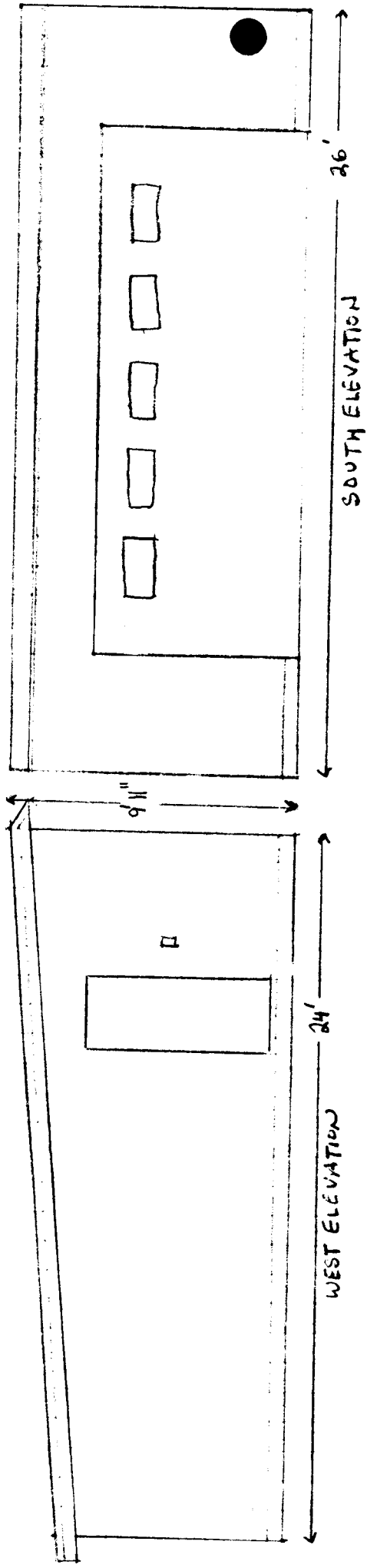
RETAINING WALL

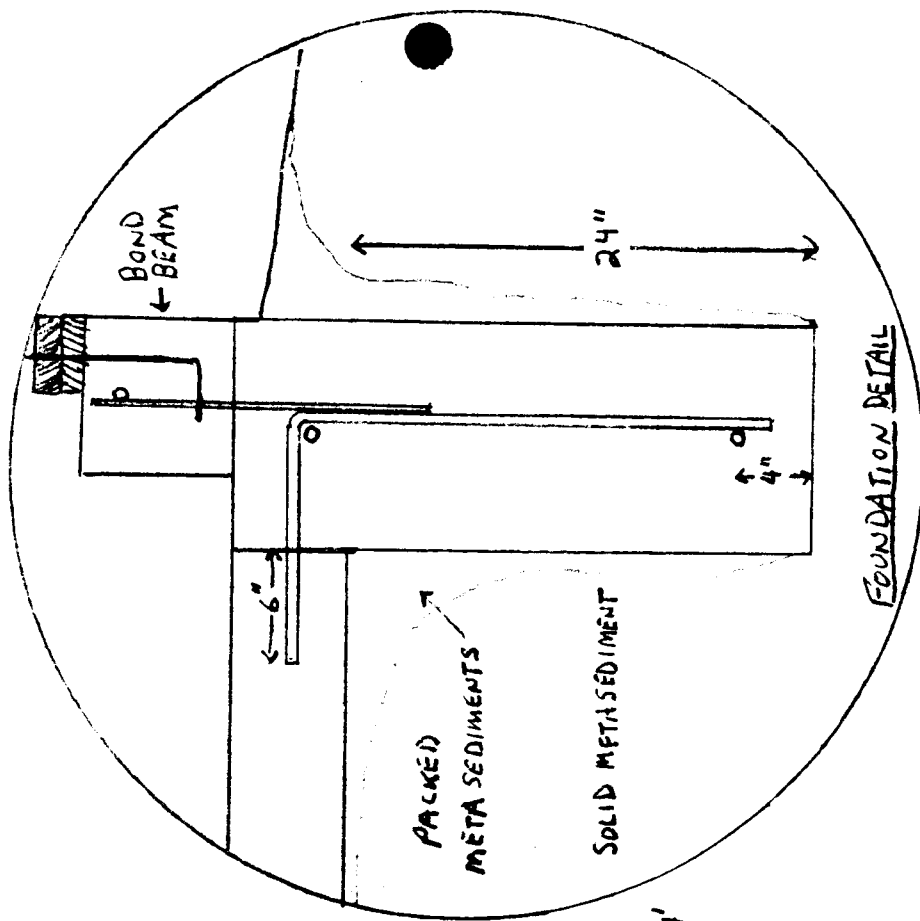
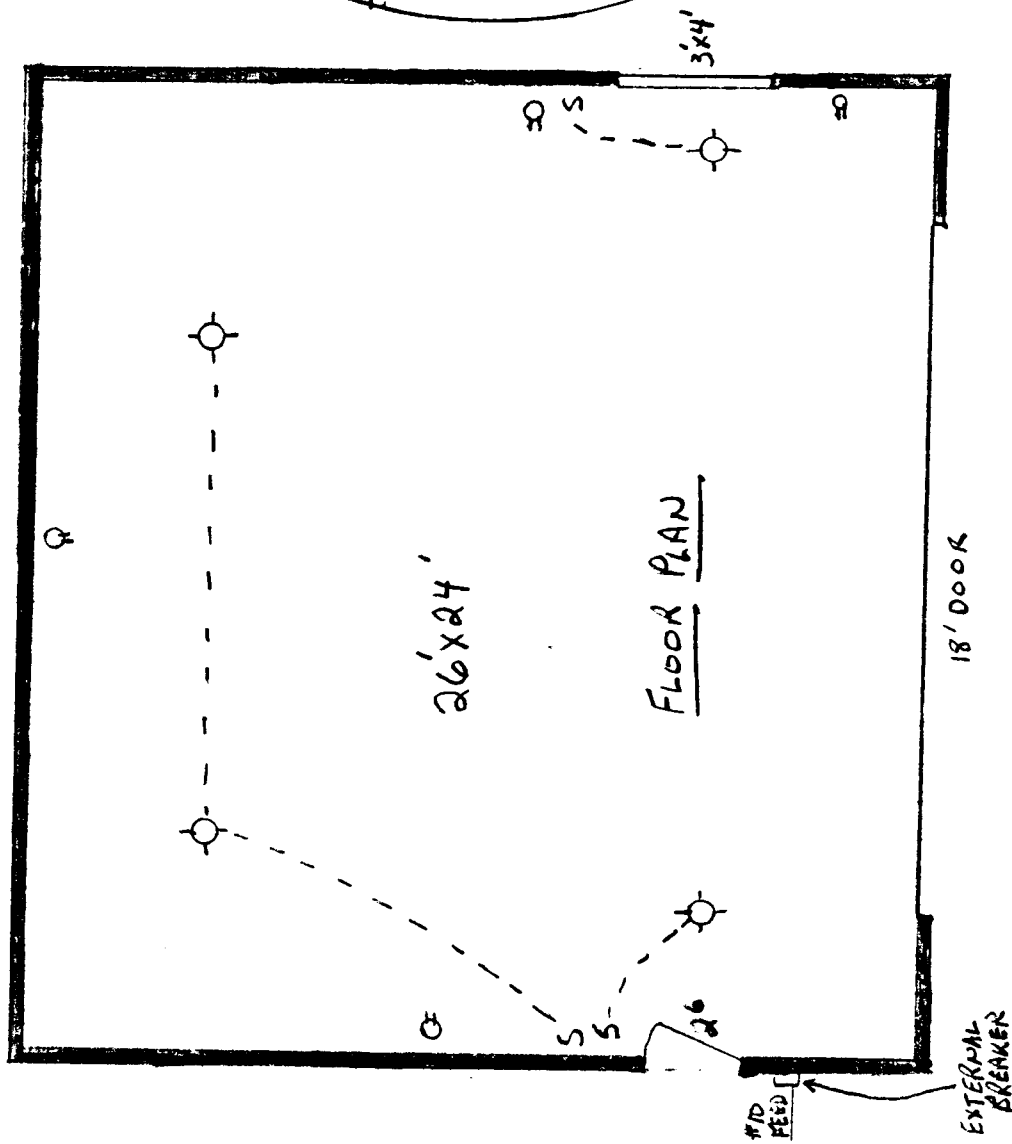
PROPOSED GARAGE

GARAGE

NOWLIN

SETBACK ISSUE FOR VARIANCE





NOTE:

THIS FOUNDATION WAS APPROVED FOR POURING 9-13-91 AND FOOTINGS WERE POURED 9-14-91. THE SLAB WAS POURED 11-2-91 AND BOND BEAM LAID AND POURED 11-9-91. THE STANDARDS WERE SET BY COMMUNITY DEVELOPMENT 8-12-91.

VARIANCE APPLICATION QUESTIONNAIRE

PLEASE TYPE OR PRINT IN BLACK INK ON SEPARATE SHEETS AND ATTACH TO YOUR APPLICATION

State law requires that the Planning Commission and possibly the Board of Supervisors consider and support the questions below with facts in the record. These are called "FINDINGS". Since staff's recommendation is based on the adequacy of your findings, you need to complete and attach the Proposal Questionnaire with as much detail as possible to ensure that there is adequate information supporting your proposal.

The questionnaire lists the findings in the exact language found in the Carson City Municipal Code (CCMC), then follows this with a series of questions seeking information to support the findings.

(On an attached sheet, list each question, read the explanation, then write your answer in your own words.)

Answer the questions as completely as possible so that you provide the Commission and possibly the Board of Supervisors with the details that they need to consider your project. Please keep in mind that approval of a variance will **not** be considered on the basis of an economic hardship. If the question does not apply to your situation, explain why. **BEFORE A VARIANCE CAN BE GRANTED, FINDINGS FROM A PREPONDERANCE OF EVIDENCE MUST INDICATE THAT THE FACTS SUPPORTING THE PROPOSED REQUEST ARE INCORPORATED INTO YOUR APPLICATION.**

GENERAL REVIEW OF PERMITS

Source: CCMC 18.02.085. (1) The Planning Commission and possibly the Board of Supervisors, in reviewing and judging the merit of a proposal for a variance, shall direct its considerations to, and find that the following conditions and standards are met:

FINDINGS

Question 1. Describe the special circumstances or conditions applying to the property under consideration which exist making compliance with the provisions of this title difficult and a cause of hardship to, and abridgment of a property right of the owner of the property; and describe how such circumstances or conditions do not apply generally to other properties in the same land use district and explain how they are not self-imposed.

Explanation A. Think about your situation and state what is different about your property that makes your variance request necessary. Is it the topography, the design, size, etc. of your parcel, and why can you not redesign your project to fit within code requirements? Please understand that a "self-imposed" or "financial" hardship is not considered adequate reason for granting of a variance.

Question 2. Explain how granting of the variance is necessary to do justice to the applicant or owner of the property without extending any special privilege to them.

Explanation A. State how the granting of your variance request may or may not result in actual damage to nearby properties or prejudice by your neighbors in a precedent-setting situation. State why your project will not be harmful to the public health, safety and general welfare.

Question 3. Explain how the granting of the variance will not result in material damage or prejudice to the other properties in the vicinity nor be detrimental to the public health, safety and general welfare.

If there is any other information that would provide a clearer picture of your proposal that you would like to add for presentation to the Planning Commission and Board, please be sure to include the information.

FINDINGS

Question 1.

BACKGROUND: In 1982 our neighbor to the north built a 6.5 feet retaining wall within one foot of the property line and placed a metal fence on top of it. Her goal was to have the highest yard in the neighborhood. In 1991 we built a foundation for a garage four feet from the retaining wall with her oral agreement. The city would not allow the construction unless she agreed to it. The foundation was inspected and approved for pouring into the rocky ground 9/13/91 after the inspector spoke with our neighbor. When the trusses went on top of the new structure our neighbor changed her mind. Without her written approval, the garage had to be removed. She paid for a new foundation and we finished the garage where it stands today. In the meantime of eighteen years, our new neighbor to the north gave us a written "ok" to proceed with the original garage location.

SPECIAL CIRCUMSTANCE: The 6.5 feet retaining wall, with additional fence and vegetation, constitute a physical and visual barrier exceeding ten feet within a foot of our property line. No other property in the area (except our eastern neighbor sharing the same barrier) has a similar circumstance. Placing this modestly proposed and hidden structure breaks up its dominating presence while serving our family's storage needs. This variance consideration involves the use of the existing foundation four feet from the retaining wall and three feet from the property line allowing us greater use of our property.

Question 2.

The large wall with fence and vegetation is unique to the area. It is as if a large building was placed one foot from our property line. A variance on setback restriction was granted a few houses to the south of us on Conte Drive. The building is in character with the neighborhood containing many outbuildings and virtually out of

sight. We will be able to use the foundation and pad as a sheltered parking and storage space. The taxed structure will raise valuation and neighbor's valuations.

Question 3.

Drainage is excellent and is away from neighboring structures. The building is difficult to impossible to see from most parts of the neighborhood and has a small visual "footprint." The sheriff's department and fire department found no problems with it. The lady next door gave her written approval. The other two abutting neighbors are in favor of the construction.

The following acknowledgment and signature are to be on the response to the questionnaire prepared for the project. Please type the following, signed statement at the end of your application.

ACKNOWLEDGMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission/ Board of Supervisors. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the Planning Commission/Board of Supervisors approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City Code requirements.

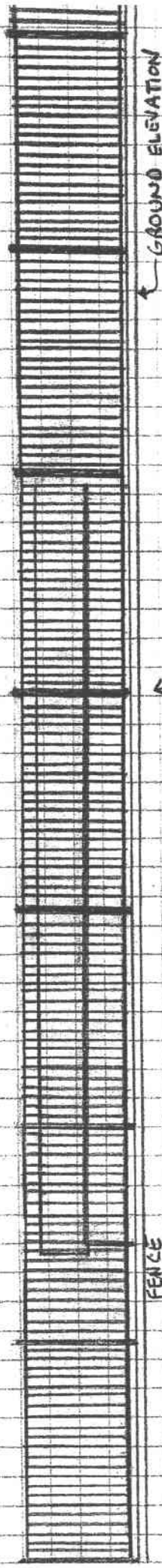
David M. Hampton
Applicant's Signature

4-28-09
Date



This is a Google-eye view of three properties closest to the proposed garage. The foundation is marked with a red outline.

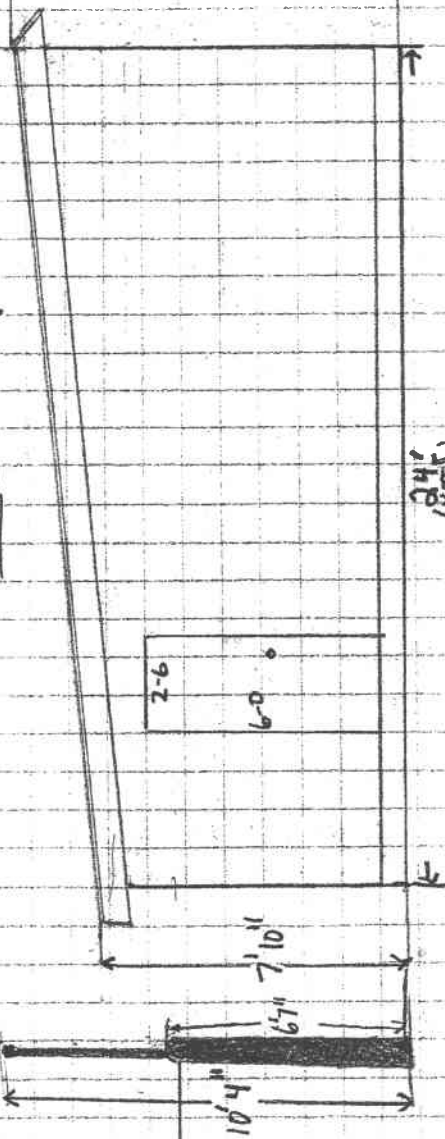
FENCE IS 6" HIGHER THAN ROOF



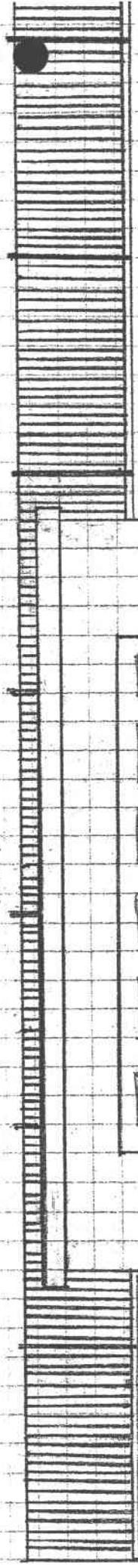
NORTH ELEVATION

Dr. Oke
Fence Check
4-11-69

WEST ELEVATION



94' (NOT TO SCALE)



Block wall

Block wall

SOUTH ELEVATION

[illegible]

NORTH ELEVATION →

WEST ELEVATION

11-910

2-6

לה

10,4"

11

OK WITH CCSO
get all
ACBERTSON A-2

247
(NOT
TO
SCALE)

Spacing OK c.c. 10 Term 109
22 April 09

Block Wall

Block wall

SOUTH ELEVATION

The following images were taken April 30, 2009 to illustrate the area in question. This is how it looks now.



LOOKING NORTH



LOOKING EAST NORTH EAST

LOOKING WEST SOUTH WEST



These images were taken in 1991 when the foundation was built and passed city inspection. The framing could not continue without the foundation pouring approval. Soon thereafter the building was moved to a new foundation nearby.











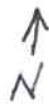


The following images show the character of the neighborhood in regards to outbuilding structures.

Letters on the map are keyed to the photo images so you can locate the buildings in reference to 4321 Conte Drive.

The points to be made here are these garages are common, individualistic and show great variety.

Selection of these images was predicated on my primary view space. Many more outbuildings exist in the neighborhood but are blocked from view by neighboring houses.



Capital View Dr

SF1A

North View Dr

Line Dr

S. EDWARDS DRIVE

Conte Dr

Dr

E

D

CLEARVIEW DRIVE

C

B

4321

A

P

Heidi Ci

Ⓐ 4441 CONTE DR.



③ 4370 CONTE DR.



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① 2100 CLEARVIEW DR.



⑤ 2000 CLEARVIEW DR.



⑤ 2000 CLEARVIEW DRIVE

