

## STAFF REPORT FOR PLANNING COMMISSION MEETING OF AUGUST 30, 2017

FILE NO: SUP-17-107

AGENDA ITEM: F-3

STAFF AUTHOR: Hope Sullivan, Planning Manager

REQUEST: Special Use Permit to allow an eight foot fence in the rear yard where a maximum height of six feet is allowed, on property zoned Single Family 12,000 (SF12).

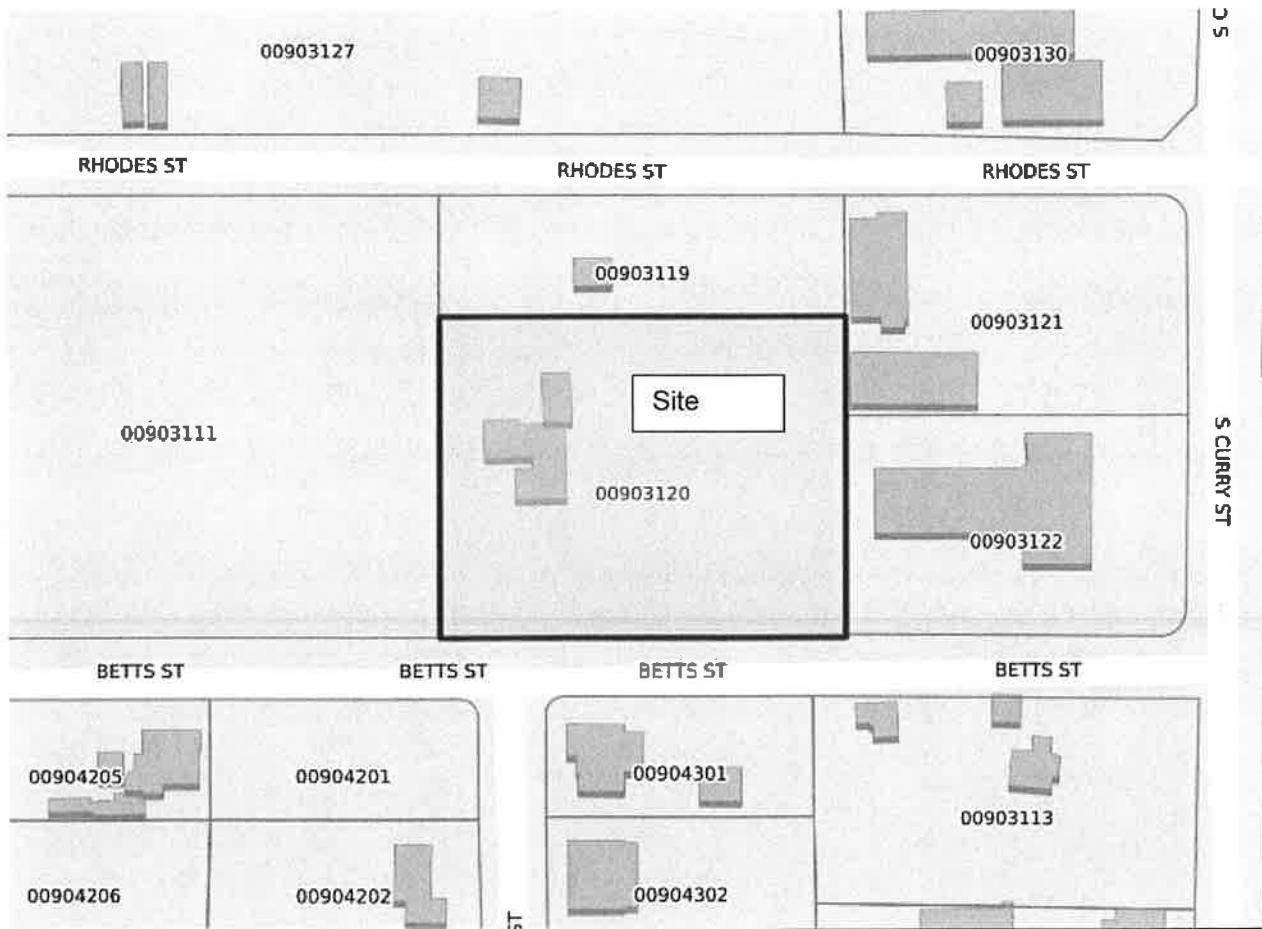
APPLICANT: Robert Gindt

OWNER: 340 Betts LLC

LOCATION: 340 Betts St.

APN: 009-031-20

**RECOMMENDED MOTION:** "I move to approve SUP-17-107, a Special Use Permit request to allow for an eight foot fence in the rear yard, on property zoned Single Family 12,000, located at 340 Betts Street, APN 009-031-20, based on findings and the conditions of approval contained in the staff report."



**RECOMMENDED CONDITIONS OF APPROVAL:**

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 may be rescheduled for the next Planning Commission meeting for further considerations.
2. All development shall 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 shall conform to City standards and requirements.
4. The applicant shall meet all the conditions of approval and commence the use for which this permit is granted, within 12 months of the date of final approval. A single, one year extension of time may be granted if requested in writing to the Planning Division 30 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.
5. Established drainage patterns must be maintained and uninhibited by the fence.

**LEGAL REQUIREMENTS:** CCMC 18.02.080 (Special Use Permits), 18.04.080 (Single Family 12,000), 18.04.190 (Residential Districts Intensity and Dimensional Standards), Development Standards Division 1.13 (Fences, Wall and Hedges)

**MASTER PLAN DESIGNATION:** Medium Density Residential (MDR)

**PRESENT ZONING:** Single Family 12,000 (SF12)

**KEY ISSUES:** Would the allowance of a fence to exceed the allowed height have an adverse impact on the adjacent residential neighborhood? Is the fence in an appropriate location?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

NORTH: Light Industrial/Vacant

SOUTH: Single Family 12,000 / Single Family Home

EAST: General Commercial/ Commercial

WEST: Single Family 12,000/ Vacant

**ENVIRONMENTAL INFORMATION:**

1. FLOOD ZONE: X, areas of minimal flooding
2. SLOPE/DRAINAGE: The site is flat
3. EARTHQUAKE POTENTIAL: Moderate to Low, beyond 500 feet

**SITE DEVELOPMENT INFORMATION:**

1. LOT SIZE: 1.97 acres
2. PROPOSED STRUCTURE SIZE: 330 linear feet of fencing along rear property line
3. PROPOSED STRUCTURE HEIGHT: eight feet
4. VARIANCES REQUESTED: None

**ADDITIONAL REVIEWS:** None

**DISCUSSION:**

A Special Use Permit is required for the following reason:

- According to CCMC Section 18.04.190 Residential Districts Intensity and Dimensional Standards, the rear setback in the SF12 zoning district is twenty feet. Development Standards Division 1.13 Fences, Wall and Hedges, states no fences, walls or hedges exceeding six feet may be erected within any yard unless a Special Use Permit allowing for exceeding the ordinance requirements is authorized by the Planning Commission.

The applicant is seeking to erect a board fence that has six foot tall boards, with 1 foot 10 inch tall lattice mounted above it along the northern property line. Property located to the north of the subject property is zoned Limited Industrial. Additionally, the property located to the north of the subject property has been the subject of code enforcement for weeds, trash, debris, inoperable junk, and unregistered vehicles since December 1, 2016. The code enforcement case has been referred to Justice Court, and the case will be heard on August 19, 2017.

The subject property has two buildings on the site that appear to be vacant.

**PUBLIC COMMENTS:** Public notices were mailed on August 11, 2017 to 37 adjacent property owners within 600 feet of the subject site. At the writing of this report no comments have been received. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting depending on the date of submission of the comments to the Planning Division.

**AGENCY COMMENTS:** All comments from various city departments and agencies which were received as of August 21, 2017 are included in this report. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

**Building Division:** No comments received

**Engineering:**

- Established drainage patterns must be maintained and uninhibited by the fence.

**Fire:** No concerns

**Health:** No concerns

**Parks:** No concerns

**FINDINGS:** Staff's recommendation is based upon the findings as required by CCMC Section 18.02.062 (Special Use Permits) enumerated below and substantiated in the public record for the project.

***1. Will be consistent with the objectives of the Master Plan elements.***

Guiding Principle 6 of the Master Plan calls for Quality Design and Development. Associated Goal 6.1 discusses promoting high quality development, including promoting variety and visual interest in the design of new development through the incorporation of well articulated building facades, clearly defined entrances and pedestrian connections, landscaping, and other features as consistent with the City's Development Standards.

The subject property is a transitional property in that it is a single family residential lot adjacent to property zoned Limited Industrial. Staff finds that the proposed fencing will be attractive, consistent with guiding principle 6 and the associations goals and objectives.

- 2. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity.**

The location of the fence is adjacent to vacant land zoned Limited Industrial. Staff does not find that the fence will be detrimental to the peaceful enjoyment of surrounding property, or that it will create adverse impacts. The fence will create an immediate visual barrier between the subject property and property to the north that is currently unsightly.

- 3. Will have little or no detrimental effect on vehicular or pedestrian traffic.**

The fence will not impact vehicular or pedestrian traffic.

- 4. Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.**

The fence will not impact existing public services and facilities such as schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, or other public improvements.

- 5. Meets the definition and specific standards set forth elsewhere in this title for such particular use and meets the purpose statement of that district.**

The purpose of the SF12 zoning district is to provide for the development of single family detached dwellings in a suburban setting. The fence will not compromise the ability to develop the site consistent with the purpose statement for the district.

It is noted a fence requires approval of a Special Use Permit when the height of the fence exceeds the limitation, as opposed to a variance. Therefore, the code recognizes that there are some areas in the City where a taller fence may be appropriate, subject to the findings required for a Special Use Permit.

- 6. Will not be detrimental to the public health, safety, convenience and welfare.**

The fence will not be detrimental to the public health, safety, convenience and welfare. The fence will be adjacent to vacant land zoned for Limited Industrial.

- 7. Will not result in material damage or prejudice to other property in the vicinity.**

The fence will not result in material damage or prejudice to other property in the vicinity. The fence will create a visual barrier to property to the north.

#### Attachments

- Engineering Division comments
- Fire Department comments
- Health and Human Services comments
- Parks and Open Space comments
- Application (SUP-17-107)

**RECEIVED**

AUG 14 2017

**CARSON CITY  
PLANNING DIVISION**

**Engineering Division  
Planning Commission Report  
File Number SUP 17-107**

**SUBJECT TITLE:**

Action to consider an application for a Special Use Permit, from Darrin Berger to allow an 8 foot fence in rear yard, apn 009-031-20.

## **RECOMMENDATION:**

The Engineering Division has no preference or objection to the special use request as long as the following condition is met:

- Established drainage patterns must be maintained and uninhibited by the fence.

## DISCUSSION:

The Engineering Division has reviewed the application within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses. The Engineering Division offers the following discussion:

C.C.M.C. 18.02.080 (5a) - Master Plan

The request is not in conflict with any Engineering Master Plans.

**C.C.M.C. 18.02.080 (5b) – Use, Peaceful Enjoyment, Economic Value, Compatibility**  
Development Engineering has no comment on this finding.

## C.C.M.C. 18.02.080 (5c) - Traffic/Pedestrians

Impacts to traffic will not change.

C.C.M.C. 18.02.080 (5d) - Public Services

There is no impact to sewer or water. There will be no negative impact to storm drainage as long as the above condition is met.

C.C.M.C. 18.02.080 (5e) – Title 18 Standards

Development Engineering has no comment on this finding.

Engineering Division  
Planning Commission Report  
Page 2

**C.C.M.C. 18.02.080 (5f) – Public health, Safety, Convenience, and Welfare**  
The project meets engineering standards for health and safety.

**C.C.M.C. 18.02.080 (5g) – Material Damage or Prejudice to Other Property**  
Development Engineering has no comment on this finding.

**C.C.M.C. 18.02.080 (5h) – Adequate Information**  
The plans and reports provided were adequate for this analysis.

August 8, 2017

SUP-17-107

Fire

No comments from Fire on SUP 17-107

Dave Ruben

RECEIVED  
AUG 09 2017  
CARSON CITY  
PLANNING DIVISION

RECEIVED

AUG 15 2017

CARSON CITY  
PLANNING DIVISION

**From:** Dustin Boothe  
**Sent:** Monday, August 14, 2017 5:29 PM  
**To:** Kathe Green  
**Subject:** RE: Planning Commission 8-30-17

SUP-17-107

Health and Human Services has no concerns with this application as submitted.

Dustin

RECEIVED

AUG 11 2017

CARSON CITY  
PLANNING DIVISION

August 11, 2017

SUP-17-107

Parks

The Parks, Recreation & Open Space Department has no comments on the above referenced SUP.

Thank you,

Vern & Patti

*Patti Liebespeck*

Office Specialist

Carson City Parks, Recreation & Open Space

3303 Butti Way, Bldg 9

Carson City, NV 89701

Phn: (775) 887-2262 x 7342

Fax: (775) 887-2145

[pliebespeck@carson.org](mailto:pliebespeck@carson.org)

[www.carson.org](http://www.carson.org)

Carson City Planning Division  
108 E. Proctor Street • Carson City NV 89701  
Phone: (775) 887-2180 • E-mail: planning@carson.org

RECEIVED

JUL 20 2017

FILE # SUP - 17 - SUP 17 - 107

APPLICANT Robert Gindt PHONE # 925.428.9661  
MAILING ADDRESS, CITY, STATE, ZIP  
1802 North Carson St. CC NV.

EMAIL ADDRESS quail9661@hotmail.com

PROPERTY OWNER 340 Betts LLC PHONE #

MAILING ADDRESS, CITY, STATE, ZIP  
SAME

EMAIL ADDRESS SAME

APPLICANT AGENT/REPRESENTATIVE Darrin Berger PHONE # 832-6455

MAILING ADDRESS, CITY, STATE, ZIP  
312 West third

EMAIL ADDRESS darrin@bhararchscts.biz

FOR OFFICE USE ONLY:

CCMC 18.02.080

**SPECIAL USE PERMIT**

CARSON CITY  
PLANNING DIVISION

FEE\*: \$2,450.00 MAJOR

\$2,200.00 MINOR (Residential  
zoning districts)

+ noticing fee

\*Due after application is deemed complete by  
staff

SUBMITTAL PACKET - 4 Complete Packets (1 Unbound  
Original and 3 Copies) including:

- Application Form
- Detailed Written Project Description
- Site Plan
- Building Elevation Drawings and Floor Plans
- Special Use Permit Findings
- Master Plan Policy Checklist NA
- Applicant's Acknowledgment Statement RA
- Documentation of Taxes Paid-to-Date RA
- Project Impact Reports (Engineering) NA

CD or USB DRIVE with complete application in PDF

Application Received and Reviewed By:

Submittal Deadline: See attached Planning Commission  
application submittal schedule.

Note: Submittals must be of sufficient clarity and detail for  
all departments to adequately review the request. Additional  
information may be required.

Project's Assessor Parcel Number(s): <u>009-031-20</u>	Street Address <u>340 Betts</u>	
Project's Master Plan Designation <u>HDR</u>	Project's Current Zoning <u>SP-12000</u>	Nearest Major Cross Street(s) <u>CURRY + RHODES</u>

Please provide a brief description of your proposed project and/or proposed use below. Provide additional pages to describe your request in more detail.

**PROPERTY OWNER'S AFFIDAVIT**

I, \_\_\_\_\_, 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 \_\_\_\_\_ Address \_\_\_\_\_ Date \_\_\_\_\_

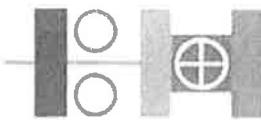
Use additional page(s) if necessary for additional owners.

STATE OF NEVADA )  
COUNTY )

On \_\_\_\_\_, 20\_\_\_\_\_, 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 or airport area, it may need to be scheduled before the Historic Resources Commission or the  
Airport Authority in addition to being scheduled for review by the Planning Commission. Planning staff can help you make this determination.



07.20.17

Carson City Planning Division  
108 East Proctor Street  
Carson City, NV 89701



**Re: Special Use Permit for Property located at 340 Betts**  
APN: 009-031-20

SUP - 17 - 107

Dear Planning Commission:

On behalf of my client, for your consideration in support of a Special Use Permit to install an 8'-0" high fence along the north edge of the aforementioned property per section 18.02.080 of the Carson City Municipal Code please note the following:

**Background:**

The owner recently purchased this property and plans to make substantial upgrades and improvements. The new owner has already made considerable improvements to the existing residence and intends to make even more. This property abuts vacant land to the west and to the north is an eclectic assortment of various recreational vehicles and structures. The owner has experienced problems with some of the general public walking through his property. On the East side is a commercial development which is partially fenced by a masonry wall and to the south is street frontage adjacent to residential development. The owner seeks to install an 8'-0" tall fence which is to be located along the north edge of this property.

**FINDINGS:**

**1. Will be consistent with the objectives of the Master Plan elements.**

**Explanation:**

Explain how your project will further and be in keeping with, and not contrary to, the goals of the Master Plan elements. Turn to the Master Plan Policy Checklist included with this application. The Master Plan Policy Checklist for Special Use Permits and Major Project Reviews addresses five items that appear in the Carson City Master Plan. Each theme looks at how a proposed development can help achieve the goals of the Carson City Master Plan. Address each theme; a check indicates that the proposed development meets the applicable Master Plan Policy. Provide written support of the policy statement in your own words as a part of these findings. For additional guidance, please refer to the Carson City Master Plan document on our website at [www.carson.org/planning](http://www.carson.org/planning) or you may contact the Planning Division to review the document in our office or request a copy.

**Response:**

The fence will protect the natural vegetation by discouraging people to wander across the site. The fence will not affect the natural drainage of the site. The fence will not have an adverse effect on utility services, road improvements or sidewalks. This minor improvement is just one of many the owner wishes to undertake however he must first

secure his property.

2. **Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity.**

**Explanation:**

A. Describe the general types of land uses and zoning designations adjoining your property (for example: North: grocery store, Retail Commercial zoning)

**Response:**

The property to the west is vacant and zoned (LI/SF 12). To the north the zoning is Limited Industrial which is the edge of the site we are requesting to build a fence on. As mentioned earlier this property is comprised of vehicles and miscellaneous structures. The abutting property to the east is zoned General Commercial, and is comprised of a sheet metal shop and a hair salon. Directly to the south across Betts Street is zoned Residential SF 12.

B. Explain why your project is similar to existing development in the neighborhood, and why it will not hurt property values or cause problems, such as noise, dust, odors, vibration, fumes, glare, or physical activity, etc. with neighboring property owners. Have other properties in your area obtained approval of a similar request? How will your project differ in appearance from your neighbors? Your response should consider the proposed physical appearance of your proposal, as well as comparing your use to others in the area.

**Response:**

*It is natural and customary to erect a fence around ones property. Especially in this setting, surrounded by so many various different uses, it's important for the property edge to be clearly defined.*

C. Provide a statement explaining how your project will not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood.

**Response:**

*The addition of the proposed fence will clearly delineate the property line and visually screen the view of the neighboring properties.*

D. If outdoor lighting is to be a part of the project, please indicate how it will be shielded from adjoining property and the type of lighting (wattage/height/placement) provided.

**Response:**

*There is no lighting proposed.*

E. Describe the proposed landscaping, including screening and arterial landscape areas (if required by the zoning code). Include a site place with existing and proposed landscape shown on the plan which complies with City ordinance requirements.

**Response:**

*There is no additional landscaping proposed.*

F. Explain any short-range and long-range benefit to the people of Carson City that will occur if your project is approved.

**Response:**

*The long term benefit will come in the owners continued and further development of the property.*

**3. Will have little or no detrimental effect on vehicular or pedestrian traffic.**

Explanation:

Consider the pedestrian and vehicular traffic that currently exists on the road serving your project. What impact will your development have to pedestrian and vehicular traffic when it is successfully operating?

**Response:**

None

Will additional walkways and traffic lights be needed? Will you be causing traffic to substantially increase in the area? State how you have arrived at your conclusions.

**Response:**

*We are proposing to build a fence which will have no effect on the number of people or degree the current site gets used.*

**4. Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.**

Explanation:

A. How will your project affect the school district? Will your project add to the student population or will it provide a service to the student population?

**Response:**

No – It's a fence.

B. How will your project affect police and fire protection?

**Response:**

*One purpose of the fence is to secure the site and prevent trespassers so it should reduce the burden to police.*

C. Is the water supply serving your project adequate to meet your needs without degrading supply and quality to others in the area? Is there adequate water pressure? Are the lines in need of replacement? Is your project served by a well? Contact the Development Engineering Division at (775) 887-2300 for assistance with this item, if applicable.

**Response:**

*This is not applicable.*

D. If your project will result in the covering of land area with paving or a compacted surface, how will drainage be accommodated? Contact the Development Engineering Division at (775) 887-2300 for assistance with this item, if applicable.

**Response:**

*Drainage will not be affected by this project. The fence will primarily follow the natural contours of the site.*

E. Is there adequate capacity in the sewage disposal trunk line that you will connect to in order to serve your project, or is your site on a septic system? Contact the Development Engineering Division at (775) 887-2300 for assistance with this item, if applicable.

**Response:**

*This is not applicable.*

F. What kind of road improvements are proposed or needed to accommodate your project? Contact the Development Engineering Division at (775) 887-2300 for assistance with this item, if applicable.

**Response:**

*This is not applicable.*

G. Indicate the source of the information that you are providing to support your conclusions and statements made in this application (private engineer, Development Engineering, Public Works, Transportation, title report or other sources).

**Response:**

*Observational awareness.*

**5. Meets the definition and specific standards set forth elsewhere in Carson City Municipal Code, Title 18 for such particular use and meets the purpose statement of that district.**

**Explanation:**

Explain how your project meets the purpose statement of the zoning district in which it is located and how it meets the specific standards that are set forth in that zoning district. In CCMC Section 18.04, Use Districts, find the zoning district where your property is located. Refer to the purpose statement at the beginning of the zoning district section and explain how your project meets the purpose statement of that district. In addition, find the specific Intensity and Dimensional Standards for your zoning district in either CCMC Section 18.04.190 (Residential) or CCMC Section 18.04.195 (Non-Residential) and explain how your project meets these specific standards. To access the Carson City Municipal Code, visit our website at [www.carson.org/planning](http://www.carson.org/planning).

**Response:**

*This property is zoned SF 12000 and its current land use has two single family units. It has a Masterplan Designation of High Density Residential. It is customary to have a fence installed around a residential property. The fence will be wood with lattice in keeping with a more residential character.*

**6. Will not be detrimental to the public health, safety, convenience and welfare.**

**Explanation:**

Provide a statement explaining how your project will not be detrimental to the public health, safety, convenience and welfare. If applicable, provide information on any benefits that your project will provide to the general public.

**Response:**

*In fact a taller fence will provide better protection and safety to the owner as well as the surrounding neighborhood, as it will deter trespassers and provide for a higher degree of security and privacy for the homeowner. An 8'-0" tall fence will discourage/prevent anyone trying to gain access, whereas, a 6'-0" tall fence is fairly easy to climb over. The owner wishes to screen the view looking toward the north. In addition the owner has had recurring problems with trespassers who do not recognize his property line or don't care that they are on private property. The owner believes that the fence needs to be of a*

substantial height to insure his safety and wellbeing and to discourage trespassers. Due to the topography of the site and surrounding open area a taller fence is necessary to maintain visual privacy and to discourage others who might otherwise be tempted to scale over the fence.

**7. Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.**

Explanation: Provide a statement explaining how your project will not result in material damage or prejudice to other property in the vicinity.

**Response:**

*This is a large parcel of land and the height of the fence is proportionate to the scale of the property and the degree of privacy and security the owner wishes to obtain. The surrounding property should benefit from this improvement as they too will get the added benefit of the decorative fence and the security which it will provide. Aesthetically, the fence is articulated with a decorative top lattice which will add to the property value. It does not appear that the taller fence will affect or obstruct any type of view corridor.*

Should you have any further questions or concerns please feel free to call and I would be happy to discuss this matter in more detail.

Sincerely:

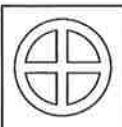
Darrin Berger, A.I.A.

**ACKNOWLEDGMENT OF APPLICANT**

I certify that the forgoing 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. 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's 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.

Robert P Gindt

Date



BERGER

HANNAFIN

**ARCHITECTURE**  
3118 NORTH CARSON ST.  
SUITE 213  
CARSON CITY, NV 89701



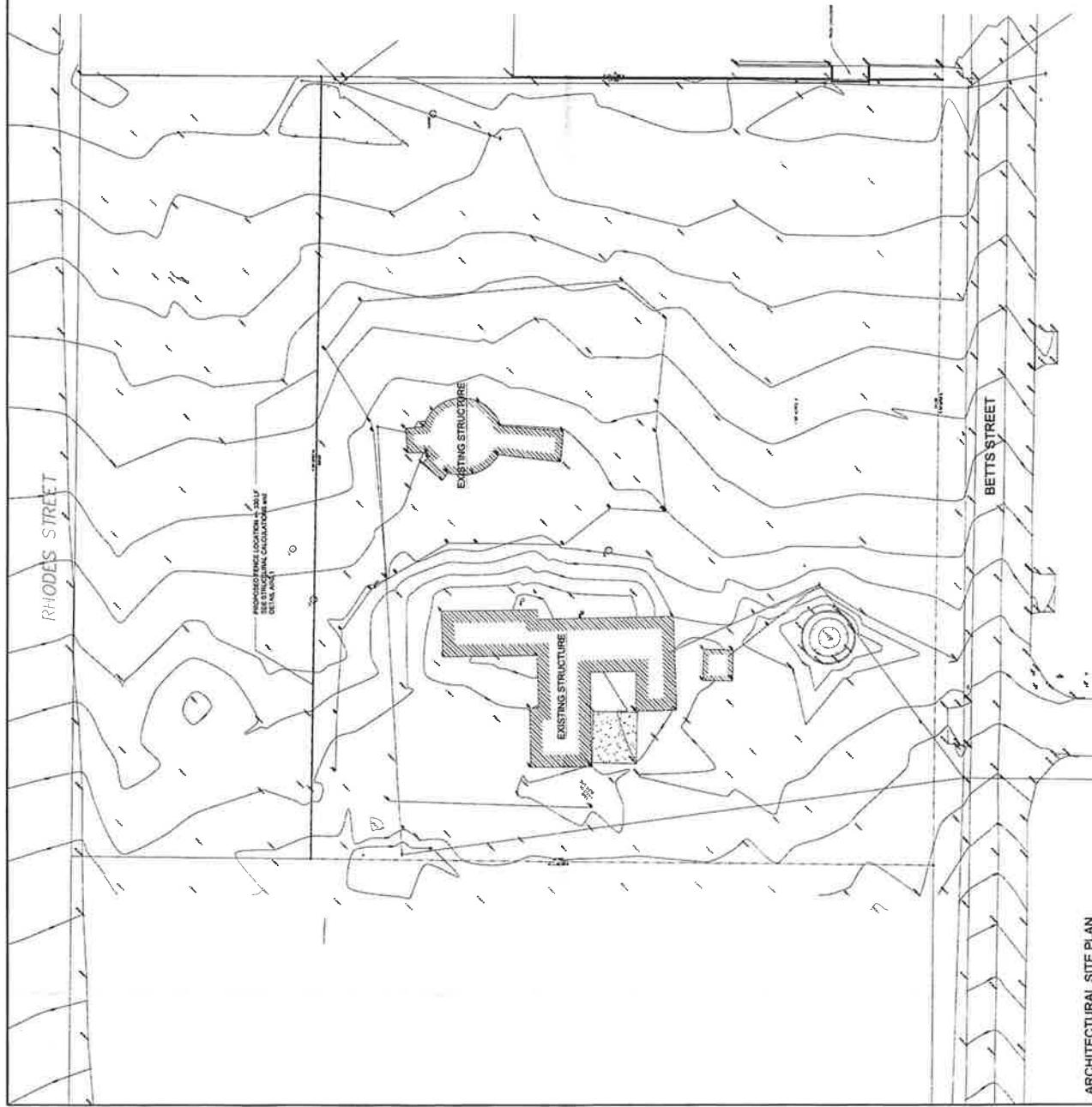
BETTS STREET  
ENGINEERING PLAN

第六章

108

DRAWN BY:	DMB
DATE:	04/04/17
DRAWING TITLE:	SITE PLAN FENCE PANEL

444



ARCHITECTURAL SITE PLAN

16