

STAFF REPORT FOR PLANNING COMMISSION MEETING OF SEPTEMBER 27, 2017

FILE NO: VAR-17-112

AGENDA ITEM: F-2

STAFF AUTHOR: Kathe Green, Assistant Planner

REQUEST: Reduce the required rear setback from 30 feet to 20 feet on property zoned Single Family One Acre (SF1A).

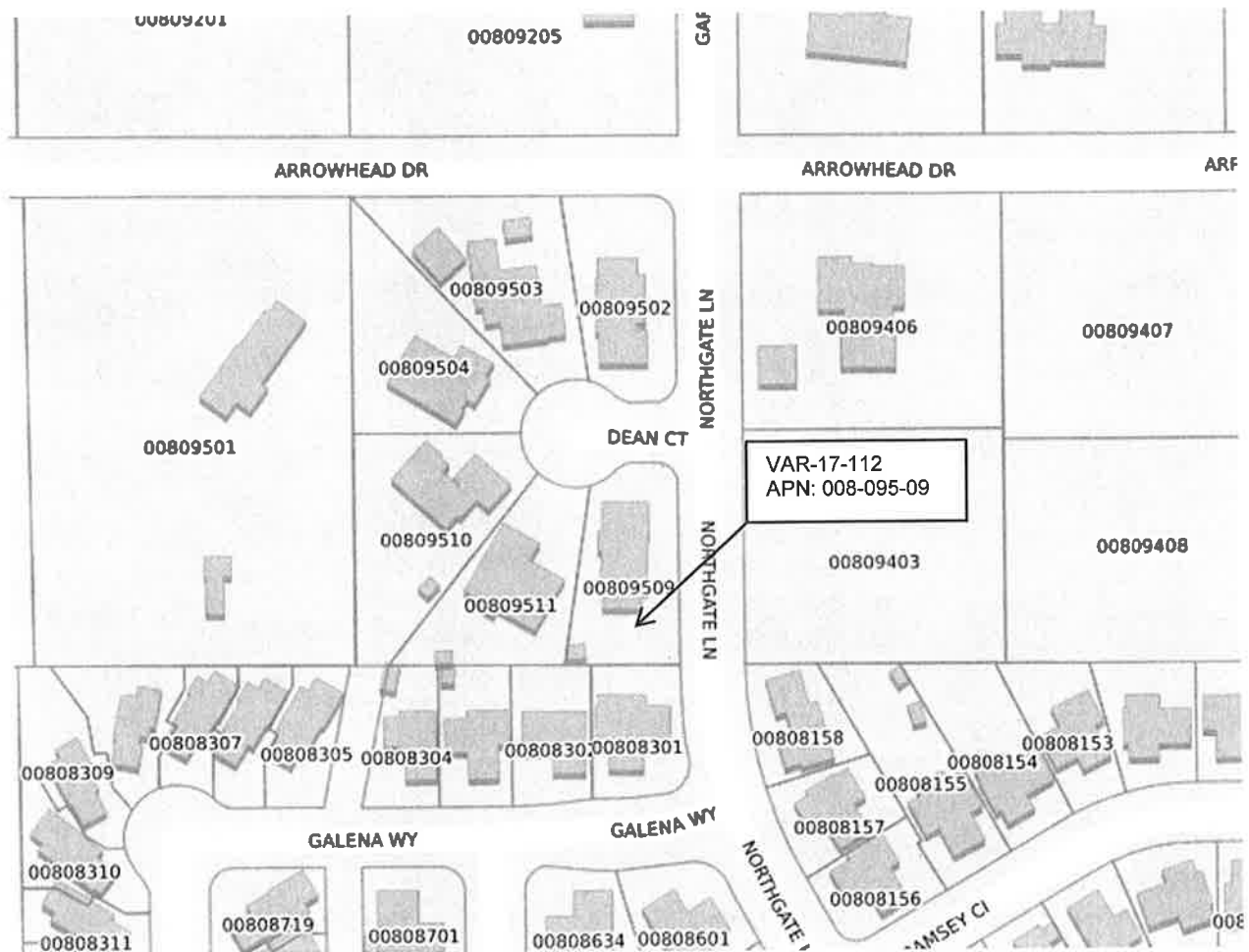
OWNER: Helen Kendrick Robertson

APPLICANT: Helen and Stan Robertson

LOCATION: 97 Dean Court

APN: 008-095-09

RECOMMENDED MOTION: "I move to approve VAR-17-112, a Variance request to reduce the required rear yard setback from 30 feet to 20 feet, on Assessor's Parcel Number 008-095-09 in Single Family 1 Acre zoning, based on the findings and subject to the recommended conditions of approval in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant must sign and return the Notice of Decision within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. The applicant shall 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 approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division 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.
3. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein.
4. All on and off-site improvements shall conform to City standards and requirements.
5. Project must comply with the 2012 International Fire Code and northern Nevada fire code amendments as adopted by Carson City.
6. The project must not adversely affect drainage.
7. Construction must meet Carson City Development Standards, Standard Details and State Code.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review) and 18.02.085 (Variances)

MASTER PLAN DESIGNATION: Low Density Residential

ZONING DISTRICT: Single Family 1 Acre (SF1A)

KEY ISSUES: Are there unique circumstances applicable to the subject property to justify the need for the reduction in the rear yard setback in this instance?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Single Family 1 Acre (SF1A)/Single Family Residence
SOUTH: Single Family 6,000 (SF6)/Single Family Residence
EAST: Single Family 1 Acre (SF1A)/Vacant
WEST: Single Family 1 Acre (SF1A)/Single Family Residence

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: X (areas of minimal flooding)
SLOPE/DRAINAGE: The site is flat
SOILS: 58 Surprise coarse sandy loam, 2 to 4 percent slopes

SITE DEVELOPMENT INFORMATION:

PARCEL SIZE: .32 acre (13,740 square feet)
EXISTING LAND USE: Residential
PROPOSED STRUCTURES: Garage/shop 800 square feet

REQUIRED SETBACKS APPROVED UNDER V-90/91-11: Front 30 feet, side 10 feet street side 15 feet and rear 30 feet with height restricted to single story
SETBACK PROPOSED TO BE MODIFIED: Rear from 30 feet to 20 feet
HEIGHT: Maximum 32 feet, but restructured one story under V-90/91-11, proposed at 14 feet overall

PREVIOUS REVIEWS:

V-90/91-11, June 20, 1991: approved by the Board of Supervisors as modified. A request for reduction in lot sizes, lot width and setbacks to allow front 20 feet, side 10 feet, street side 15 feet and rear 30 feet, with the exception of two parcels (not subject parcel) which have a 40 feet rear setback to accommodate a drainage easement, with a limitation to a single story.

V-90/91-11, May 28, 1991: denied by the Planning Commission. A request for reduction in lot sizes, lot width and setbacks to allow front 20 feet, side 10 feet, street side 15 feet and rear 30 feet, with the exception of two parcels which have a 40 feet rear setback to accommodate a drainage easement, with a limitation to a single story.

V-86-28, February 19, 1987, approved by the Board of Supervisors a request to vary lot width and land area.

V-86-28, October 28, 1986, denied by the Planning Commission a request to vary lot width and land area.

DISCUSSION:

A variance is a zoning procedure that grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular circumstances applicable to 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.

This parcel is located in the Single Family 1 Acre zoning district. It is non-conforming, in that rather than one acre in size it is less than one third of an acre at .32 acre or 13,740 square feet. This application is a request to allow proposed construction of a garage at a point 20 feet from the rear property line rather than the 30 feet required in the Single Family 1 Acre zoning district. The garage is proposed as facing east, with the driveway opening onto Northgate Lane.

All six parcels on Dean Court were created by parcel maps, and none of them meets the minimum size of the zoning district. The parcels range in size from this parcel at 13,740 to the largest at 19,259 square feet. The size of these parcels coordinates most closely with the Single Family 12,000 zoning district, where the rear yard setback would be 20 feet. The setbacks previously approved under a variance allowed a reduction in the front, side, street side setbacks, but the rear setback remained at 30 feet for four parcels and 40 feet for the remaining two parcels to accommodate a drainage easement. The applicant is requesting to be allowed to reduce the rear setback to meet the guideline appropriate to the size of the parcels in this cul-de-sac and rather than the 30 feet required in the Single Family 1 Acre zoning district

All properties outside of Dean Court to the north, west and east of this site are zoned Single Family 1 Acre. However, properties adjacent to Dean Court to the south are zoned Single Family 6,000, where the setback on the rear is only 10 feet if the structure does not exceed 20 feet in overall height. It is noted the garage is proposed to open onto Northgate Lane, where adjacent development to the south is on lots which have garages which also face this street,

with a 20 foot setback to the house and side yard setbacks of five feet. The applicant is requesting a setback modification on the rear to 20 feet with a driveway length (street setback) of 30 feet. The overall height of the garage is proposed at 14 feet. The maximum height allowed in the Single Family 6,000 and Single Family 12,000 zoning districts is 26 feet, while the height allowed in the Single Family 1 Acre zoning district is 32 feet, but has been reduced through the approved variance to the limit the height to single story. The height as proposed at 14 feet meets the guidelines of the variance.

In reviewing the information provided by the applicant and the required findings as identified below, the findings to grant approval of this Variance can be made. Therefore, it is recommended that the Planning Commission approve this Variance application.

PUBLIC COMMENTS: Public notices were mailed on September 8, 2017 to 31 adjacent property owners within 300 feet of the subject site pursuant to the provisions of NRS and CCMC. One letter of support has been received. No letters or comments in opposition to this proposal have been received. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS: The following comments were received from various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Engineering Division:

1. The project must not adversely affect drainage.
2. Construction must meet Carson City Development Standards, Standard Details and State Code.

Fire Department: Project must comply with the 2012 International Fire Code and northern Nevada fire code amendments as adopted by Carson City.

Parks Department: No concerns

Transportation Department: No concerns

FINDINGS: Staff recommends approval of the Variance based the findings below, pursuant to CCMC 18.02.085 (Variances), subject to the recommended conditions of approval, and further substantiated by the applicant's written justification.

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 size of the property is unusual, in that all six properties facing Dean Court are zoned Single Family 1 Acre, but all are less than one acre, ranging from less than one third of an acre to under one half acre in size. The parcels range from 13,740 to 19,259 square feet. This property is the smallest of the six. The size of these parcels coordinates most closely with the Single Family 12,000 zoning district, where the rear yard setback would be 20 feet. The applicant is requesting to be allowed to reduce the rear setback to meet

this 20 feet guideline rather than the 30 feet required in the much larger Single Family 1 Acre zoning district.

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

The size of the parcel is very small when compared to the assigned zoning of Single Family 1 Acre. At .32 acre it is just under one third of the size of a standard parcel in this zoning district. Requiring the applicant to meet the setbacks of this larger zoning district renders a significant amount of the parcel as unavailable for development.

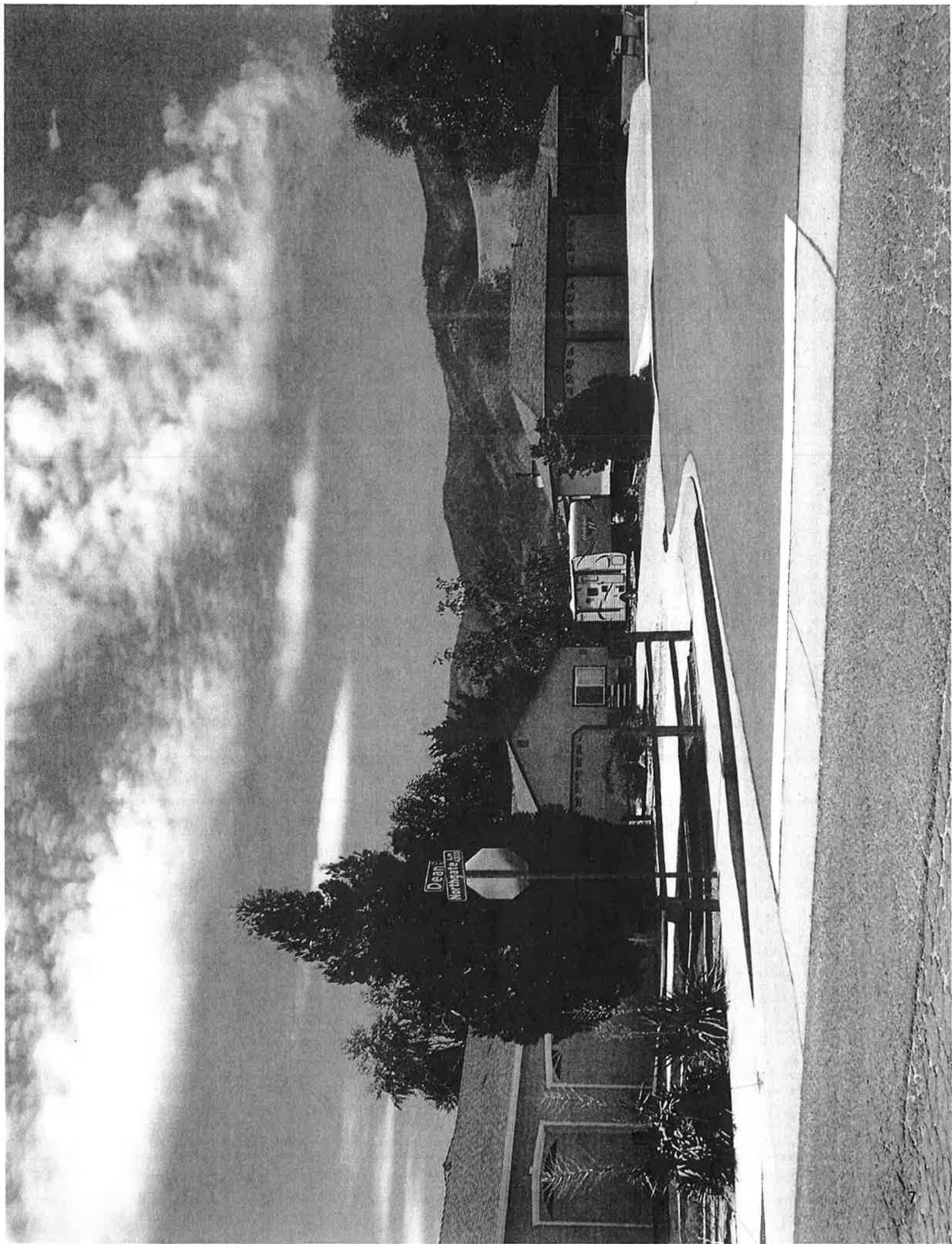
3. **That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will be materially detrimental to the public welfare or materially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

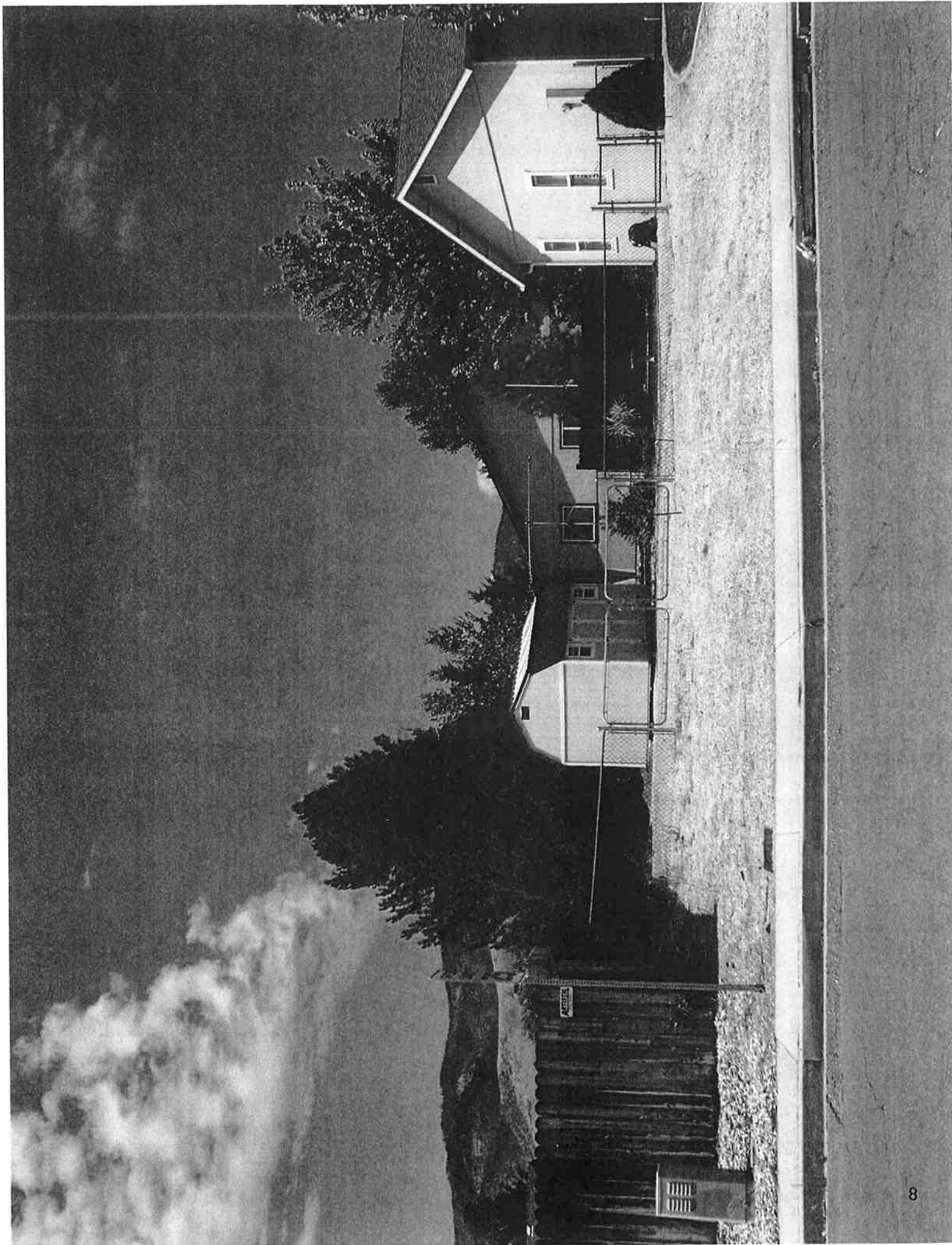
The granting of the Variance, with the recommended conditions of approval will not adversely affect the health and safety of persons residing or working in the neighborhood and will not be materially injurious to properties or improvements in the vicinity. The reduction of the rear yard setback to 20 feet will reduce the setback to a distance which is harmonious with the lot size rather than the lot zoning. The proposed ingress/egress from the garage on Northgate Lane will not change the appearance of the houses in the existing cul-de-sac of Dean Court. The development of the site with a garage will be compatible with other development in the immediate vicinity and will not be out of character with the appearance of other properties in this area. The Single family residences to the south of this parcel also face Northgate Lane and all have garage openings facing Northgate Lane. Front yard setbacks there are twenty feet with five to ten feet side yard setback. The property directly to the east is vacant. Surrounding properties north of the cul-de-sac at Dean Court are all zoned Single Family 1 Acre, while properties adjacent to Northgate Lane to the south of the property are all zoned Single Family 6,000. As the garage is proposed to face the same direction as the developed smaller zoned parcels to the south, it will not be out of character with the adjacent neighborhood.

Attachments:

Site Photos
Engineering Comment
Fire Comment
Parks Comment
Transportation Comment
Cathy A. Bax letter
Application (VAR-17-112)









**Carson City Development Engineering
Planning Commission Report
File Number VAR-17-112**

TO: Planning Commission

FROM: Stephen Pottey, P.E. – Development Engineering

DATE: September 7, 2017

MEETING DATE: September 27, 2017

SUBJECT TITLE:

Action to consider a Variance application from property owner Helen and Stan Robertson to vary the setbacks and allow a detached garage at 97 Dean Ct, apn 008-095-09.

RECOMMENDATION:

Development Engineering has no objection to the variance request provided that the following conditions are met:

- The project must not adversely affect drainage.
- Construction must meet Carson City Development Standards, Standard Details, and State Code.

DISCUSSION:

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

C.C.M.C. 18.02.085 (2a) - Adequate Plans

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

C.C.M.C. 18.02.085 (5a) – Site Constraints

There are no constraints imposed by sewer, water, storm drain, or traffic infrastructure, or geology that would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.

C.C.M.C. 18.02.085 (5b) – Preservation and Enjoyment of Property Rights

There are no constraints imposed by sewer, water, storm drain, or traffic infrastructure or geology that would impede preservation and enjoyment of property rights.

C.C.M.C. 18.02.085 (5c) - Adverse Affects to the Public

Granting this request will not adversely affect to a material degree the health and safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property provided that the above conditions of approval are met.

RECEIVED

AUG 30 2017

CARSON CITY
PLANNING DIVISION

Comments for VAR 17-112:

1. Project must comply with the 2012 International Fire Code and northern Nevada fire code amendments as adopted by Carson City.

Dave Ruben

Fire Marshal

Carson City Fire Department

777 S. Stewart Street

Carson City, NV 89701

Direct 775-283-7153

Main 775-887-2210

FAX 775-887-2209

9/7/2017

VAR-17-112 Parks

Hope

The Parks, Recreation & Open Space Department has no comments on the above referenced variance for an additional garage/shop within the required set back.

Thank you,
Vern & Patti



VAR-17-112

Hi Lena,

Transportation does not have any additional comments than what has been provide to Stephen earlier. I have put a reminder on my calendar for this meeting.

Thanks
Dirk

Dirk Goering, AICP
Senior Transportation Planner
Carson City Public Works Department/
Carson Area Metropolitan Planning Organization
3505 Butti Way
Carson City, NV 89701
Ph: 775-283-7431
Fx: 775-887-2112



RECEIVED

SEP 14 2017

CARSON CITY
PLANNING DIVISION

September 14, 2017

To: Carson City Planning Division
ATTEN: Kathe Green
108 E. Proctor Street
Carson City, Nevada
89701

re: File # VAR-17-112
APN 008-095-09
Public Hearing 9-27-17

Dear Ms. Green,

I will be unable to attend the Public Hearing regarding the above referenced Variance request.

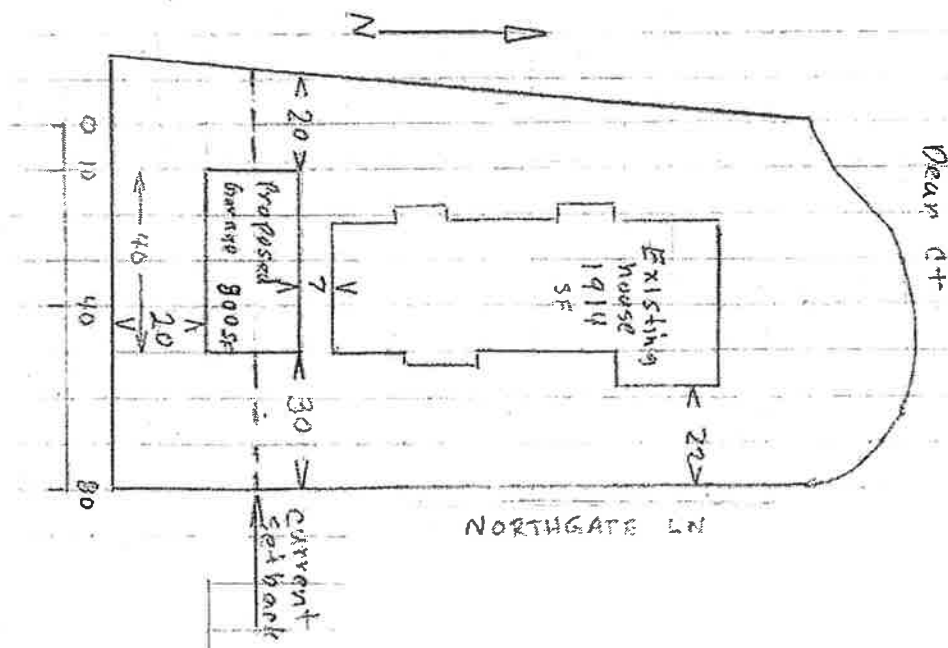
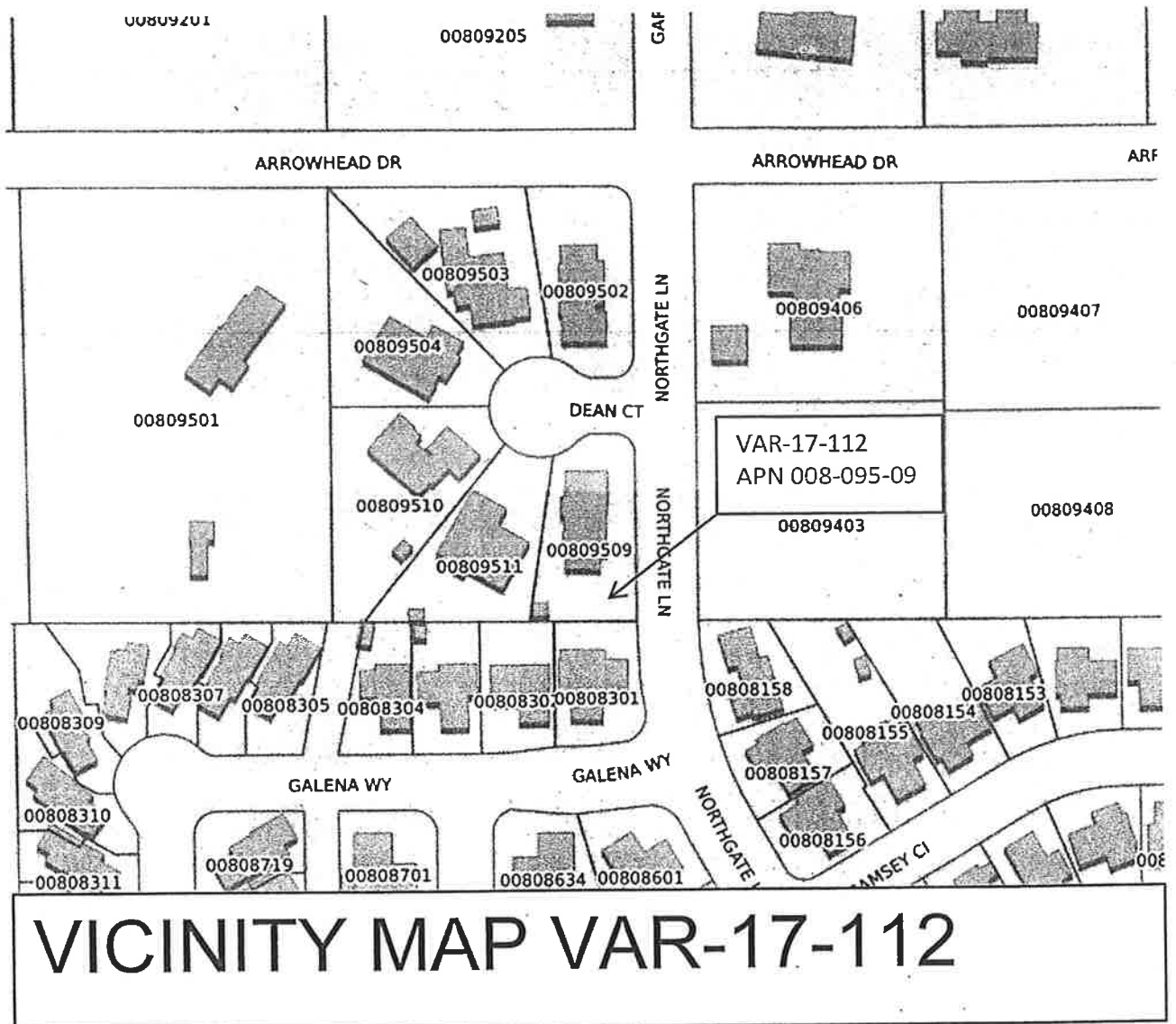
Being the immediate North neighbor of Helen and Stan Robertson; I have absolutely no objection to their proposed variance and garage project. The garage will enhance the property and not encroach on the current setback on Northgate Lane.

Please consider this letter as affirmative support for the requested rear setback variance of 10 feet.

Sincerely,



Cathy A. Bax
APN 008-095-02
4376 Northgate Lane
Carson City, Nevada
89706
(775) 883-7181



Carson City Planning Division 108 E. Proctor Street- Carson City NV 89701 Phone: (775) 887-2180 • E-mail: planning@carson.org		FOR OFFICE USE ONLY: CCMC 18.02.085 VARIANCE FEE*: \$2,150.00 + noticing fee *Due after application is deemed complete by staff <input type="checkbox"/> SUBMITTAL PACKET – 4 Complete Packets (1 Unbound Original and 3 Copies) <input type="checkbox"/> Application Form <input type="checkbox"/> Detailed Written Project Description <input type="checkbox"/> Site Plan <input type="checkbox"/> Building Elevation Drawings and Floor Plans <input type="checkbox"/> Variance Findings <input type="checkbox"/> Applicant's Acknowledgment Statement <input type="checkbox"/> Documentation of Taxes Paid-to-Date <input type="checkbox"/> CD or USB DRIVE with complete application in PDF Application Reviewed and Received By: _____ Submittal Deadline: See attached Planning Commission 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.	
FILE # VAR - 17 - 112		<div style="border: 1px solid black; padding: 5px; display: inline-block;"> RECEIVED AUG 23 2017 CARSON CITY PLANNING DIVISION </div>	
APPLICANT Helen & Stan Robertson		PHONE # 775-530-4105	
MAILING ADDRESS, CITY, STATE, ZIP 97 Dean Ct., Carson City, NV 89706			
EMAIL ADDRESS Lea.panda.stan@yahoo.com			
PROPERTY OWNER Helen Kendrick Robertson		PHONE # 485-515-3270	
MAILING ADDRESS, CITY, STATE, ZIP Same as above			
EMAIL ADDRESS hkrkrobertson@gmail.com			
APPLICANT AGENT/REPRESENTATIVE N/A		PHONE # N/A	
MAILING ADDRESS, CITY, STATE, ZIP N/A			
EMAIL ADDRESS N/A			
Project's Assessor Parcel Number(s): 008-095-09		Street Address 97 Dean Ct. Carson City, NV 89706	
Project's Master Plan Designation LDR		Project's Current Zoning SF1A	
		Nearest Major Cross Street(s) Arrowhead + Northgate	

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

To allow construction of an additional garage/shop within existing lot back.

PROPERTY OWNER'S AFFIDAVIT

I, Helen Kendrick Robertson, 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: Helen K. Robertson
 Use additional page(s) if necessary for other names.

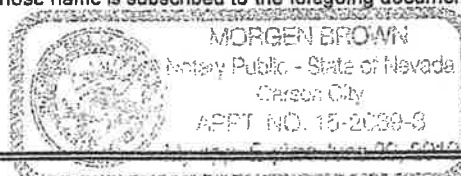
Address: 97 Dean Ct., Carson City, NV

Date: 8/1/2017
8/4/2017

STATE OF NEVADA)
 COUNTY Carson)

On August 4, 2017, Helen Robertson, 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: [Signature]



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.

Variance request for property located at 97 Dean Court, Carson City, NV 89706

Applicants: Helen and Stan Robertson
Owner: Helen Kendrick Robertson

City of Carson City
Planning Commission

#1. Our home located at 97 Dean Court in Carson City is zoned SF1A, but the square footage of the lot is 13,740. The rear setback for SF1A is 30 feet. If this property was appropriately zoned SF12, the rear setback would be 20 feet. The lots behind us are SF6 and have a 10 foot setback, so us building a garage would not be too close to their property lines. Since our lot is only 13,740 square feet, we are asking for a variance of rear set back to go from 30 feet to 20 feet so we can build an RV garage/shop.

#2. Granting this variance from 30 feet to 20 feet rear setback would be in place with adjoining lots to the south of us that are SF6 that have a 10 foot setback. If we build within our SF1A setback of 30 feet, the widest garage/shop we could build would be 10 feet wide and not only would it be too narrow to house an RV, it would look out of place with other detached garages in the neighborhood.

#3. Granting this variance would not adversely affect the health or safety of our neighbors because the purpose of this structure/garage is to house a motorhome and typical accessories found in such a structure. The new garage/shop be painted to match the color of the existing house, thereby blending harmoniously with the other buildings in the neighborhood.

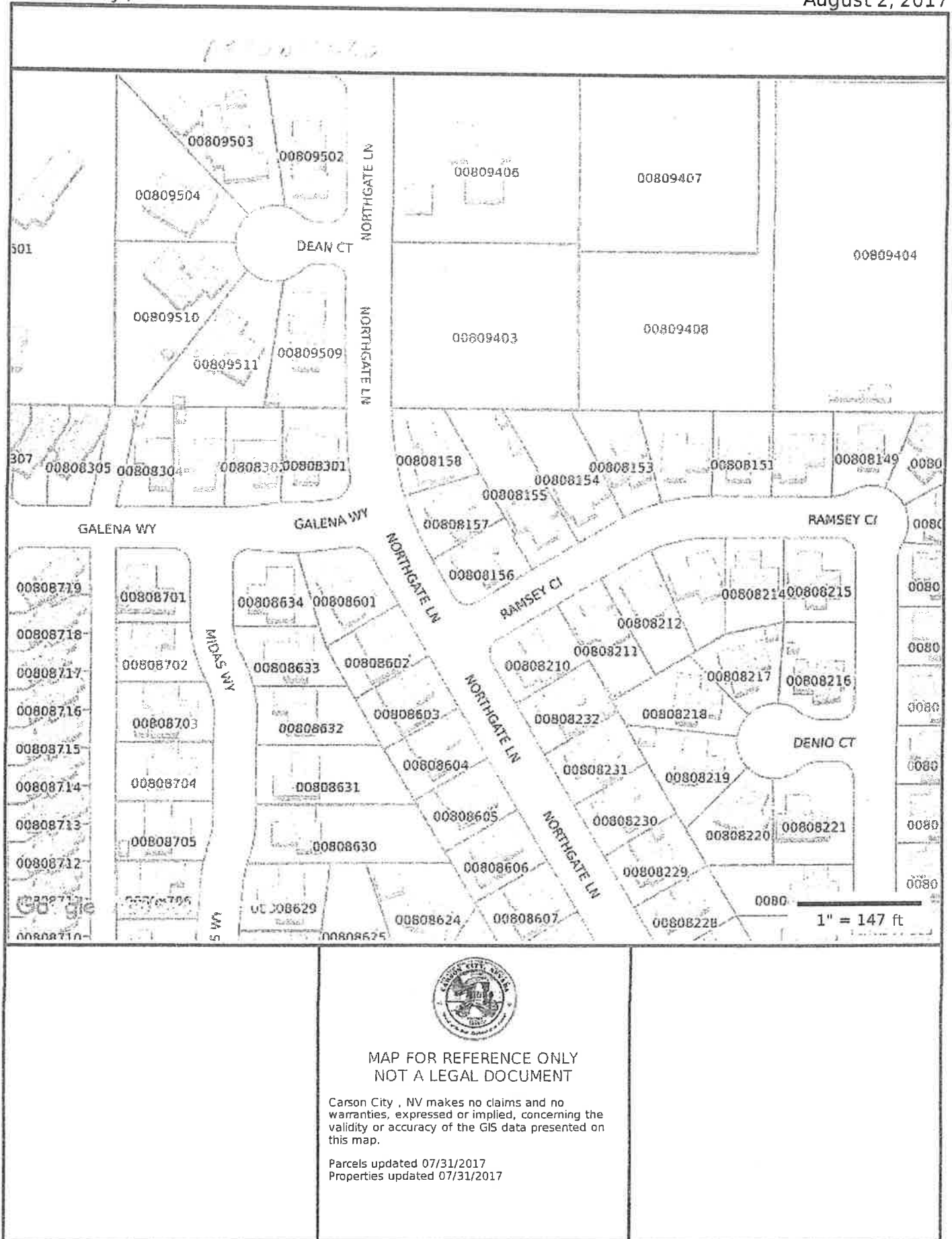
ACKNOWLEDGMENT OF APPLICANT

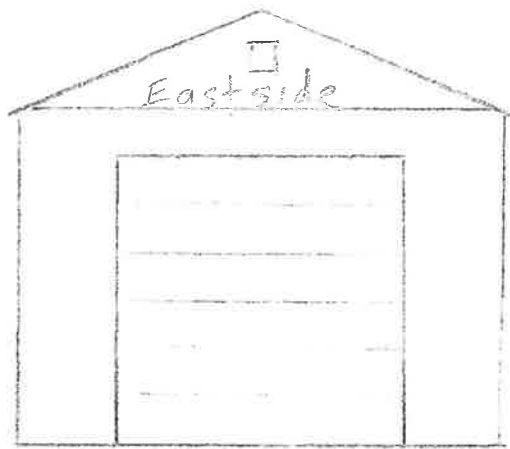
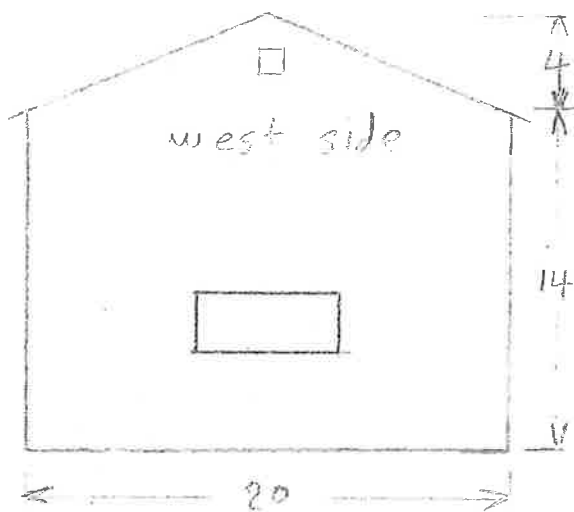
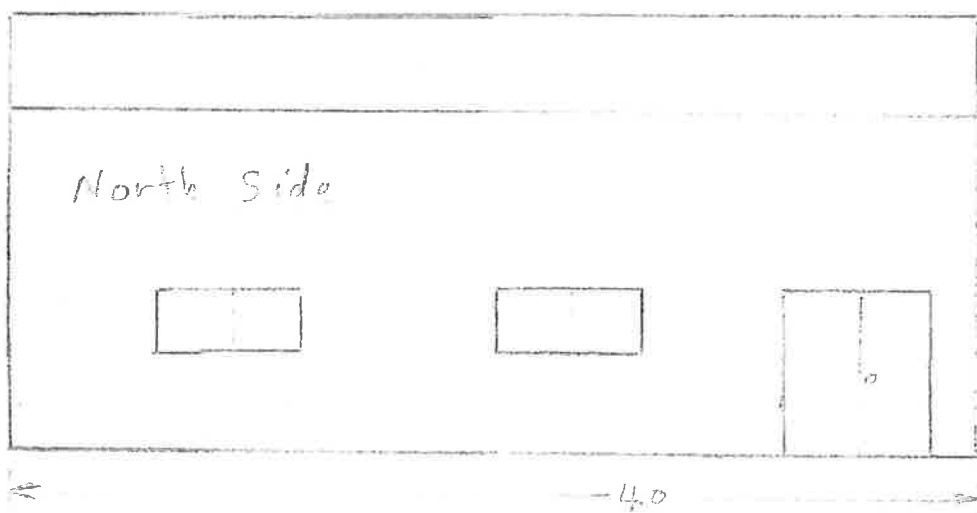
I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the Planning Commission 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.


Applicant's Signature

Helen K. Robinson
Print Name

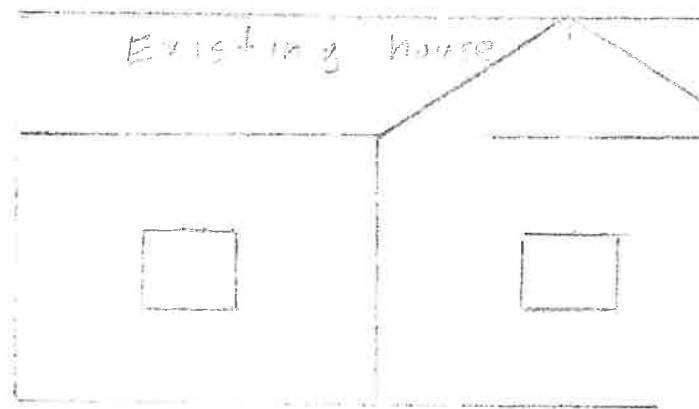
8/1/2017
Date





0 4 8 16

$\frac{1}{4}'' = 2'$



Stanley & Helen Robertson

Proposed Garage

97 Dean St