

STAFF REPORT FOR PLANNING COMMISSION MEETING OF DECEMBER 20 2017

FILE NO: VAR-17-195

AGENDA ITEM: E-1

STAFF AUTHOR: Kathe Green, Assistant Planner

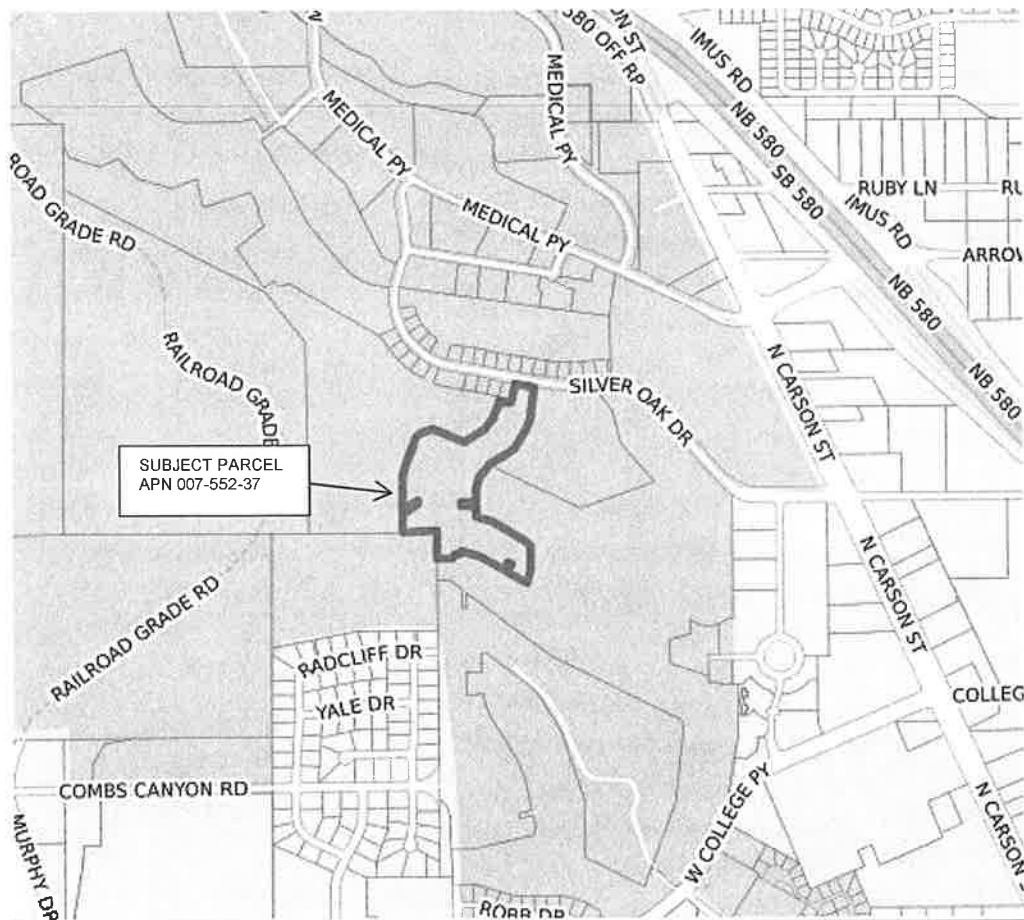
REQUEST: Approval of a Variance to reduce the required building setbacks on the front, sides and rear, driveway lengths and to allow a building height of 36 feet to the ridge line for Phase 22 of Silver Oak Development in the Single Family 12,000-Planned Unit Development (SF12-P) zoning district.

APPLICANT/OWNER: Sierra Land Development Inc

LOCATION: Stocke Way

APNs: 007-552-37

RECOMMENDED MOTION: "I move to approve VAR-17-195, a Variance to reduce the required building setbacks on the front, sides and rear, driveway lengths and to allow a building height of 36 feet to the ridge line for Phase 22 of Silver Oak Development, located at Stocke Way, APN 007-552-37, in the Single Family 12,000-Planned Unit Development zoning district, 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 (obtain 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 improvements shall conform to City standards and requirements.
5. Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; on irregular shaped lots, minimum driveway length must average 18 feet.
6. The final map shall reference this variance in the notes, and clearly state the setbacks and building height for the phase.

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

MASTER PLAN DESIGNATION: Low Density Residential (LDR)

ZONING DISTRICT: Single Family 12,000-Planned Unit Development (SF12-P) in the Silver Oak Planned Unit Development, Phase 22

KEY ISSUES: Can the reduction of the proposed setbacks, increase in building height and modification in driveway lengths be supported by the required findings? Are there unique circumstances applicable to the subject properties that justify the need for the variance in this instance?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Single Family 12,000-Planned Unit Development (SF12-P)/Silver Oak Golf Course, residences and Silver Oak undeveloped eventual housing phase

SOUTH: Single Family 12,000-Planned Unit Development (SF12-P) and Single Family 21,000-Planned Unit Development (SF21-P)/Silver Oak Golf Course, undeveloped eventual housing phase and vacant

EAST: Single Family 12,000-Planned Unit Development (SF12-P)/ Silver Oak Golf Course and Silver Oak undeveloped eventual housing phase

WEST: Single Family 12,000-Planned Unit Development (SF12-P)/Silver Oak undeveloped eventual housing phase and Silver Oak Golf Course

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: X, areas of minimal flooding

SLOPE/DRAINAGE: The area is flat
SOILS: 58, Surprise coarse sandy loam 2 to 4 percent slopes
EARTHQUAKE: Zone I, severe, within 200 feet

SITE DEVELOPMENT INFORMATION:

PARCEL: 12.55 acres

EXISTING LAND USE: Vacant. A tentative map has been approved for 44 residential lots.

HEIGHT and SETBACKS: are based on lot size and Silver Oak PUD requirements and are shown in the column in the center. The column on the right reflects the setbacks proposed with this request.

VARIANCE: Requested variances appear in bold on the table below:

Lots 12,000 square feet and under:

	Silver Oak Requirement	VAR-17-195: Phase 22 Proposal
Front Setback	12 feet	12 feet
Rear Yard	15 feet	15 feet
Rear Yard Irregular Shape	Averaged with no dimension less than 10 feet	Averaged with no dimension less than 10 feet
Rear Yard Abutting non-Silver Oak residences	20 feet	n/a
Rear Yard Abutting the Golf Course	15 feet	10 feet
Side Yard (up to 9000 sqft lot)	5 feet	5 feet
Side Yard (up to 12,000 sqft lot)	8 feet	5 feet
Street Side Yard (up to 9000 sqft lot)	10 feet	5 feet
Street Side Yard (up to 12,000 sqft lot)	13 feet	5 feet
Side Yard Irregular	Averaged with no dimension less than 5 feet	Averaged with no dimension less than 5 feet
Height if adjacent to a non-Silver Oak residence limited to 22 ft	Per base zoning	n/a
Height	28 feet (measured to mid-point of roof)	36 feet (measured to ridge line)

Lots over 12,000 square feet to and including 17,000 square feet:

	Silver Oak Requirement	VAR-17-195: Phase 22 Proposal
Front Setback	15 feet	12 feet
Rear Yard	20 feet	15 feet
Rear Yard Irregular Shape	Averaged with no dimension less than 10 feet	Averaged with no dimension less than 10 feet
Rear Yard Abutting non-Silver Oak residences	20 feet	n/a
Rear Yard Abutting the Golf Course	20 feet	10 feet
Side Yard	10 feet	5 feet
Street Side Yard	15 feet	5 feet
Side Yard Irregular	Averaged with no dimension less than 5 feet	Averaged with no dimension less than 5 feet
Height if adjacent to a non-Silver		

Oak residence limited to 22 feet	Per base zoning	n/a
Height	28 feet (measured to mid-point of roof)	36 feet (measured to ridge line)

Lots over 17,000 square feet to and including 30,000 square feet:

	Silver Oak Requirement	VAR-17-195: Phase 22 Proposal
Front Setback	20 feet	12 feet
Rear Yard	20 feet	15 feet
Rear Yard Irregular Shape	Averaged with no dimension less than 10 feet	Averaged with no dimension less than 10 feet
Rear Yard Abutting non-Silver Oak residences	20 feet	n/a
Rear Yard Abutting the Golf Course	20 feet	10 feet
Side Yard	15 feet	5 feet
Street Side Yard	20 feet	5 feet
Side Yard Irregular	Averaged with no dimension less than 5 feet	Averaged with no dimension less than 5 feet
Height if adjacent to a non-Silver Oak residence limited to 22 feet	Per base zoning	n/a
Height	28 feet (measured to mid-point of roof)	36 feet (measured to ridge line)

SITE HISTORY: The Silver Oak Planned Unit Development (PUD) Tentative Map was approved by the Board of Supervisors on September 16, 1993, and covered 683 acres of land. The development was approved with 308 acres of open space, 79 acres of commercial area, 13.6 acres for a school/park site, 225 acres for single family and cluster development, for a total of 1,181 lots, and 60 acres of roadways. In January of 1998 the Silver Oak PUD was amended to include 24 additional dwelling units, providing for a total of 1,205 dwelling units, rather than the originally approved 1,181 dwelling units.

In January of 1994 the Carson City Board of Supervisors approved an ordinance including a development agreement with Silver Oak Development which set out the conditions and terms of the approval relating to the approved Silver Oak PUD. On June 16, 1994 an addendum was approved by the Board of Supervisors and recorded July 1, 1994. On January 2, 1995 the Board approved a second addendum to the development agreement between Carson City and Silver Oak Development Company Limited Partnership to modify certain previously approved setback variances and other related matters. In 1997 there was a revised development agreement proposed by Silver Oak, but that agreement was not completed or recorded.

Over the years there were several changes to the Silver Oak PUD, resulting in the reduction of the number of lots proposed for the development. As an example, it is noted Carson Tahoe Hospital purchased a section of the Silver Oak Development area for completion of the Carson Tahoe Hospital Campus.

City staff and the applicant met in August 2005 to discuss the options regarding the setback inconsistencies in the Silver Oak Development. It was decided at that time that a Variance application would allow City staff and the Silver Oak Development to develop a plan for consistent implementation and review of setbacks to be utilized on parcels which would be developed in future development phases of parcels recorded under Silver Oak Phases listed as

16, 17 and 18 under VAR-05-195. Eventually, Phase 20 was also allowed to vary from the original setback requirements under VAR-14-016. When Phase 21 was recorded, as TPUD-16-012 the developer was allowed to use a variation of the required setbacks in conjunction with the recording of the map. Staff has supported consistency in setbacks for the individual phases within this development.

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.

VAR-05-195 and VAR-016 were previously approved to allow development of several phases of lots in the Silver Oak Development area. These properties were entirely contained within specific geographical areas, providing a consistent appearance of the lots with the phases under review when they were developed. The tables showing the setbacks approved for these phases are shown below:

VAR-05-195 (Phases 16, 17, 18):

Type	Height to Ridgeline	Front
12,000 square feet and under	36 feet	12 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; On irregular shaped lots, minimum driveway length must average 18 feet
12,001 square feet to 17,000 square feet	36 feet	15 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 22 feet; On irregular shaped lots, minimum driveway length must average 22 feet
17,001 square feet to 45,000 square feet	36 feet	20 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 25 feet; On irregular shaped lots, minimum driveway length must average 25 feet

Type	Height to Ridgeline	Rear
12,000 square feet and under	36 feet	Not including covered patios and decks, 15 feet minimum Lots whose rear yards are adjacent to the golf course, the full length of the rear property line shall be a minimum of 10 feet
12,001 square feet to 31,000 square feet	36 feet	Not including covered patios and decks 20 feet minimum Lots whose rear yards are adjacent to the golf course, the full length of the rear property line shall be a minimum of 10 feet
+31,000 square feet	36 feet	Not including covered and uncovered patios and decks, 30 feet minimum

VAR-14-016 (Phase 20):

Type	Height to Ridgeline	Front
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12,000 square feet and under	36 feet	12 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; On irregular shaped lots, minimum driveway length must average 18 feet
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Type	Height to Ridgeline	Rear
12,000 square feet and under	36 feet	Lots whose rear yards are adjacent to the golf course, the full length of the rear property line shall be a minimum of 10 feet

Type	Height to Ridgeline	Side	Street Side
10,101 square feet and under	36 feet	Not including covered or uncovered patios and decks, 5 feet minimum	5 feet minimum

TPUD-16-012 (Phase 21):

Type	Front	Side	Street Side	Rear	Height
Minimum Setback 5,000-11,000 sf lots	20 feet	5 feet	10 feet (lots 1 & 31 use 15 feet)	10 feet	28 feet ridgeline (adjacent to existing residential on east limited to single story)

The request submitted with this application is for all 44 lots in this phase to have the same setbacks. It is noted that the lots vary in size from less than 7,800 to more than 21,000, with only three lots exceeding 12,000 square feet at 12,114 square feet for lot 42, 12,212 square feet for lot 14 and 21,197 square feet for lot 13, respectively. These three lots are all on a curve. Two lots (13 and 14) have frontages widths that are similar to other lots in the area, with a deeper dimension from front to back, and one lot (42) is on a corner having two street frontages that extend to back as a larger area. Setbacks in the Single Family 12,000 and Single Family 21,000 square foot zoning districts ordinarily have larger setbacks than those required in the Single Family 6,000 zoning district.

Proposed VAR-17-195 (Phase 22):

Height to Ridgeline	Front	Side	Rear
36 feet	12 feet to residential structure from property line; Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; On irregular shaped lots, minimum driveway length must average 18 feet Garage pop outs may encroach. Must provide adequate space to park an 18 foot long vehicle without impeding or blocking the offset sidewalk. Side loading garages must provide adequate space to park an 18 foot long vehicle without impeding or blocking the sidewalk, and meet a minimum 12 feet to the residence from the property line.	5 feet	15 feet 10 feet when full length is adjacent to the golf course

The driveway lengths are proposed in this phase at 18 feet. This length is consistent with other phases in the Silver Oak Planned Unit Development. Modification of the length of the driveways is also proposed to allow averaging of the driveway length, as has also been approved in

previous phases, with pop-outs that may encroach into the 18 feet setback as long as the garage door averages 18 feet from the curb. It is also proposed that side loading garages do not have a minimum driveway length requirement, but must maintain a minimum 12 feet to the residence from the property line. A proposed condition of approval is that the length of the driveway will be shown on the site plan, and adequate length and configuration of the driveway be proposed and maintained for parking of an 18 foot long vehicle outside the garage on the driveway without impeding the offset sidewalk area.

The height requested for this phase is 36 feet to the ridgeline. Under the Silver Oak Development Agreement previous phases in Silver Oak have been allowed a height of 28 measured to the mid-point of the roof, with the exception of a restriction to 22 feet if the proposed residence in Silver Oak was adjacent to a non-Silver Oak residence in a neighboring subdivision. A request to allow height at 36 feet to the ridgeline was previously reviewed and approved by the Planning Commission under VAR-05-195 and VAR-14-016 for Phases 16, 17, 18, and 20. Phases 19 and 21 were reviewed under the original Silver Oak Development Agreement and were limited to 28 feet height to the mid-point of the ridge. The height limitation for the Single Family 6,000, Single Family 12,000 and Single Family 21,000 zoning districts is 26 feet to the mid-point of the ridge.

Phase 22 will be part of the Silver Oak Planned Unit Development. Setbacks have recently been reviewed and established with the development of each phase. It is noted setbacks have been based on the parcel size under previous variance requests in the past, but the request from the applicant at this time is to have the entire phase meet these requested setbacks rather than have setbacks attached to the size of the individual parcels. As previously mentioned, only three of the parcels would exceed 12,000 square foot in size, and only one of those would exceed 21,000 square foot in size. If a review of the size of the parcels were to be required with this variance, the three parcels exceeding 12,000 square feet would need to meet a higher standard for setbacks.

It is noted the following variations and modifications are currently approved per the Silver Oak Development and will continue to be in effect whether or not the requested variance is approved:

For any irregular shaped lot (which is defined as a lot in which lot corners are not 90 degree angles), on the end of a cul-de-sac and "bulbs" a builder may utilize an average in calculating the rear and side yard setbacks provided the rear yard shall not be less than 10 feet under the averaging method and side yard shall be no less than 5 feet under the averaging method. The stamp, signature and date of the Silver Oak Architectural Review Board shall be conclusive evidence that builder has satisfied the setback requirement set forth herein. All construction must be a minimum of three feet from the property lines.

Patio areas and decks inclusive of covers and window awnings are allowable within rear, side and front yard setbacks, subject to Silver Oak Architectural Review Committee approval, and require stamp, signature and date

Construction is required to be a minimum of three feet from the property line.

PUBLIC COMMENTS: Public notices were mailed on December 1, 2017 and again on December 7, 2017 to 76 adjacent property owners within 600 feet of the subject site pursuant to the provisions of NRS and CCMC. 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.

Building Division comments:

No comments received

Engineering Division comments:

Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; on irregular shaped lots, minimum driveway length must average 18 feet.

Fire Department comments:

No concerns

Health Department comments:

No comments received

Environmental Control comments:

No comments received

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 applicant is requesting a modification of the setbacks which were approved in the original Silver Oak Development Agreements consistent with the modifications approved under VAR-05-195, VAR-14-016 and TPUD-16-012 for Phases 16, 17, 18, 20 and 21 of the Silver Oak Development as shown in the tables included above. Other properties in the vicinity are also owned or are deed restricted under Covenant, Conditions and Restrictions provided by Silver Oak Development. Proposed sales of lots for construction of homes in this phase would have the same general appearance and therefore be encouraged to meet the same size, style and general design of homes in similar phases by the same developer. The setbacks proposed would be the same for the entire phase. The driveway lengths would be those approved under the Silver Oak Development Agreement at 18 feet. The height requested with this Variance would exceed the 28 feet approved under the Silver Oak Development Agreement. However, this request is to approve height to 36 feet as was previously approved under VAR-05-19, VAR-14-016 and TPUD-16-012 for phases 16, 17, 18 and 20. The height in phases 19 and 21 was restricted to 28 feet. The configuration of the lots in this entire phase

would utilize the same setback requirements. It is proposed that the setbacks for this entire phase be those shown in the table above.

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

An alternative to approval of the Variance process would be amending the Silver Oak Planned Unit Development. However, in 2005, staff and the developer agreed to utilize the Variance process to address modifications in setbacks and building height. The granting of the Variance can be supported, because this request is to continue the setback limitations as previously approved for several phases of the development. The continuation and desirability of these setbacks on these lots can be supported by the sales and development of those lots for single family construction in other phases under the terms of other variances approved for this 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.**

Silver Oak Phase 22 has not been finalized and the phase has yet not been recorded. Therefore, no homes are presently on the parcels under review. Potential buyers of parcels created under this phase would be informed as to the required setbacks in this development, as well as having an opportunity to view the other parcels which were developed under the conditions included in other approved Variances for the development of parcels in Silver Oak. Potential owners would be informed of the appearance and restrictions of proposed homes in this phase prior to purchase. Development of these sites would be with the full knowledge of required setbacks prior to investment. The appearance and setbacks of the homes in this phase will be similar to those approved under Phases 16, 17, 18 and 20 of the Silver Oak Development.

Attachments:

Site Photos
Engineering Comment
Fire Comment
Application (VAR-17-195)

**Property Information**

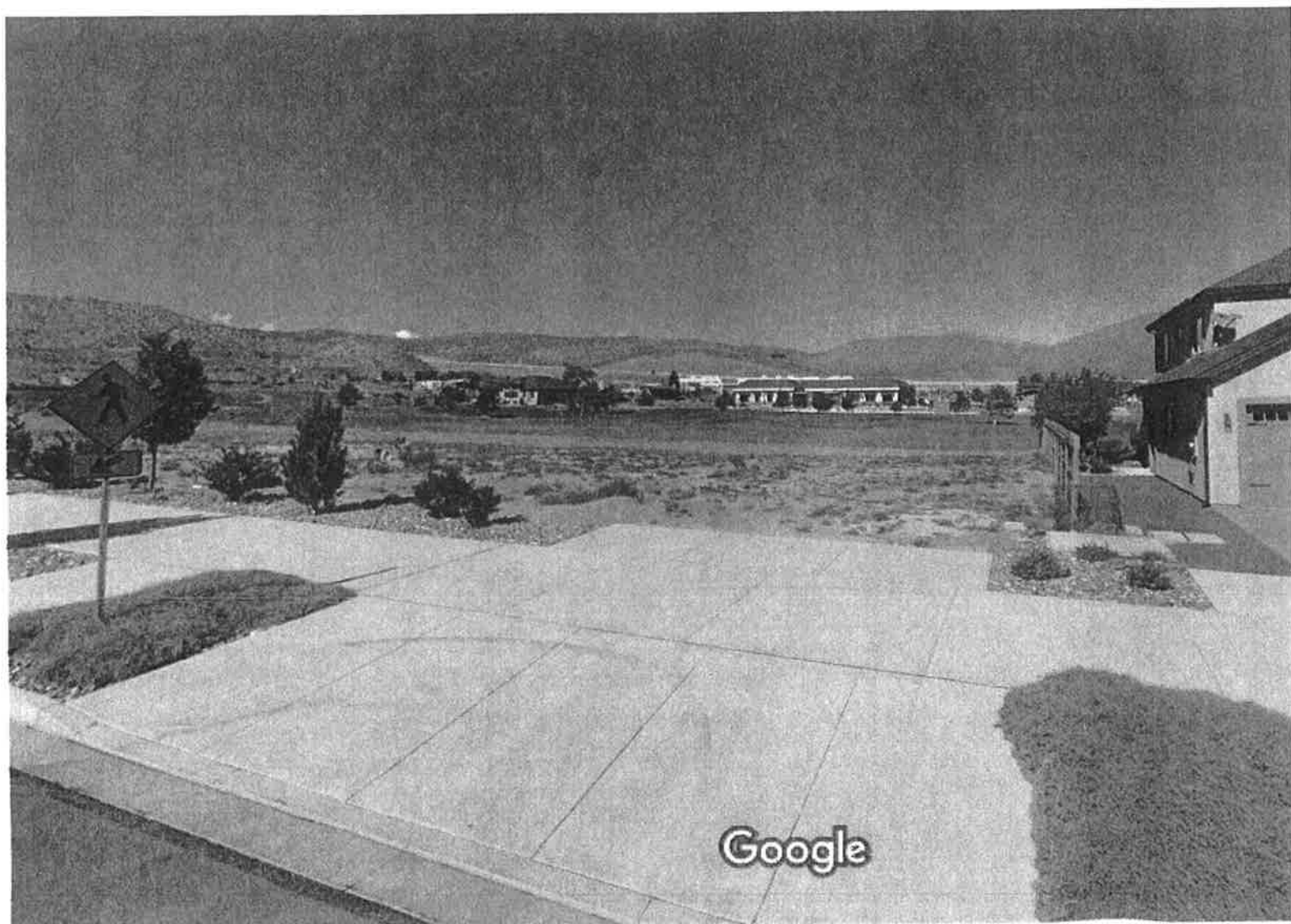
Property ID 00755237
Location STOCKE WY
Owner SIERRA LAND DEVELOPMENT INC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Carson City, NV makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 11/11/2017
Properties updated 11/11/2017





**Carson City Development Engineering
Planning Commission Report
File Number VAR-17-195**

TO: Planning Commission

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

DATE: December 7, 2017

MEETING DATE: December 20, 2017

SUBJECT TITLE:

Action to consider a Variance application from property owner Dale R Brown to change setbacks for Silver Oak Phase 22 at Stocke Way.

RECOMMENDATION:

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

- Minimum driveway length on rectangular lots from back of curb to garage door shall be 18 feet; on irregular shaped lots, minimum driveway length must average 18 feet.

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 is a site constraint imposed by the new sidewalks and multiuse path, which must remain clear for pedestrian travel.

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

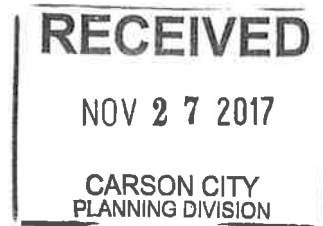
Granting this request will not adversely affect to a material degree the health and safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of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

November 27, 2017

VAR-17-195

Fire

Fire has no comments for VAR 17-195



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

RECEIVED

NOV 21 2017

CARSON CITY
PLANNING DIVISION

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

FILE # VAR - 17 - 195

FEE*: \$2,150.00 + noticing fee
*Due after application is deemed complete by staff

APPLICANT PHONE #
Sierra Land Development, Inc. 775 721-2321

MAILING ADDRESS, CITY, STATE, ZIP
1502 N. Carson Street Ste 9 Carson City, NV 89701

EMAIL ADDRESS
dooogan@sbcglobal.net

PROPERTY OWNER PHONE #
Sierra Land Development, Inc. 775 721-2321

MAILING ADDRESS, CITY, STATE, ZIP
1502 N. Carson Street Ste 9 Carson City, NV 89701

EMAIL ADDRESS
dooogan@sbcglobal.net

APPLICANT AGENT/REPRESENTATIVE PHONE #
Dale R. Brown 775 721-2321

MAILING ADDRESS, CITY, STATE, ZIP
Same

EMAIL ADDRESS
Same

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

- ☐ Application Form
- ☐ Detailed Written Project Description
- ☐ Site Plan
- ☐ Building Elevation Drawings and Floor Plans
- ☐ Variance Findings
- ☐ Applicant's Acknowledgment Statement
- ☐ Documentation of Taxes Paid-to-Date

☐ 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.

Project's Assessor Parcel Number(s): 007-552-37	Street Address Stocke Way	
Project's Master Plan Designation PUD	Project's Current Zoning SF12-P	Nearest Major Cross Street(s) Silver Oak Drive

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

Please see attached memo for description

PROPERTY OWNER'S AFFIDAVIT

I, Dale R. Brown, 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 1502 N Carson St Ste 9 CC, NV 89701 Date 11/7/2017

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

STATE OF NEVADA }
COUNTY }

On _____, 2017, 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.

SIERRA LAND DEVELOPMENT, INC.

1502 N. CARSON STREET STE 9
Carson City, NV 89701
(775) 721-2321

VARIANCE APPLICATION

To: Carson City Planning and Community Development
From: Dale R. Brown, Sierra Land Development, Inc.
Date: November 7, 2017
Re: Variance application information

SITES AFFECTED BY THIS VARIANCE APPLICATION

1. Silver Oak Phase 22; LOTS 1-44 INCLUSIVE (to be recorded). Also currently known as 007-552-37

REASON FOR VARIANCE REQUEST

The following is a request for variance for Silver Oak Phase 22. The original setbacks for Silver Oak was restrictive and does not address the needs of today's homebuyers. The graduated setbacks originally in the PUD were based on lot size and should be changed so that they are the same for all lots regardless of size.

1. SILVER OAK PHASE 22, Siena at Silver Oak

(1) Front, Rear and Side Yard Setbacks

(a) Front yard – All lots

1. 12 feet to residential structure from the property line.

2. Minimum driveway length for front loading garages on rectangular lots from back of curb to garage door shall be 18 feet. Garage pop-outs may encroach in the 18' setback as long as the garage door averages 18 feet from the curb.

3. On irregular shaped lots, minimum driveway length for front loading garages from back of curb to the garage door must average 18 feet. Garage pop-outs may encroach into the 18 feet setback as long as the garage door averages 18' from the back of the curb.

4. Side load garages do not have a minimum driveway length but must follow the 12' minimum from the front property line to residential structure.

(b) Rear yard – All lots

1. Not including covered patios and decks 15 foot minimum.
2. Lots whose rear yards adjoin the golf course the full length of the rear property line 10 foot minimum.

(c) Side yard – All lots

1. Not including covered or uncovered patios and decks a 5 foot minimum.

(2) Irregular Lots

1. All Silver Oak lots in the remaining residential area (non-cluster area) shall be considered either "rectangular" or "irregular". For any irregular shaped lot, defined as a lot that is not a rectangle (four 90 degree corners), on a cul de sac and "bulb lots" a builder may use an average in calculating setbacks provided that the rear yard shall at no point be less than 10 feet from the structure using the averaging method and the side yard shall at no point be less than 5 feet from the structure using the averaging method. The stamp of the Silver Oak Architectural Review Committee shall be conclusive evidence that the builder has satisfied the setback requirement set forth herein.

(C) Height of Structures

1. Maximum roof height from average finished grade to ridge line is 36 feet.

END OF TEXT

VARIANCE FINDINGS

CCMC 18.02.085(5) FINDINGS

1. That because of the special circumstances to the subject property, including shape, size, topography or location of surroundings, the 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.

Explanation: All other recent phases of residential lots in the Silver Oak Planned Unit Development including Phase 16, Phase 17, Phase 18, and phase 20 were subject to the same setbacks requested in this variance. This phase was not contemplated at the time the last request for variance was made and granted. The granting of this variance request will result in consistent building setbacks amongst the existing phases of residential development within the boundaries of the PUD and will allow the construction of the types of housing product that the market demographics is demanding (almost exclusively single story homes).

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

Explanation: The demographic group most often purchasing homes in Silver Oak prefers single story homes for obvious reasons. The granting of the requested setbacks will facilitate the construction of the product most appropriate for the market and in the highest demand.

3. That 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 the public welfare or materially injurious to the property or improvements in the neighborhood of the subject property.

Explanation : The granting of this variance will not adversely affect any nearby or adjacent property and will result in appearances and setbacks that are already present in the community. The adjacent properties are the golf course and Phase 20 of Silver Oak whose setbacks are nearly identical to what is being requested. There should be virtually no visual differences between what has been already permitted in the Silver Oak PUD and these lots if the variance is granted as requested. I cannot conceive of circumstances where the public health, safety or general welfare would be adversely affected by the granting of this variance.

ACKNOWLEDGMENT OF APPLICANT

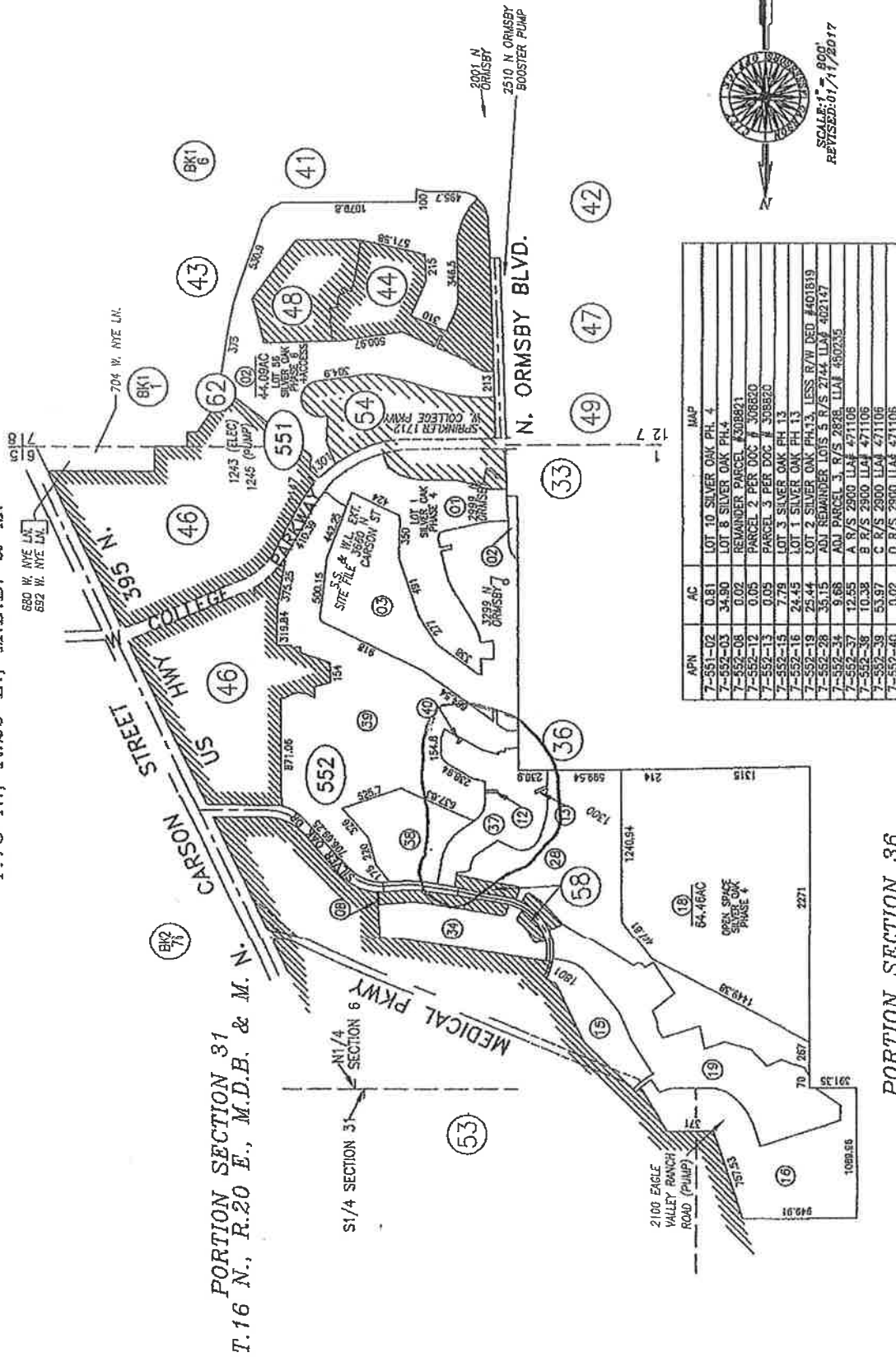
I certify that the foregoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the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

Dale R. Brown
Print Name

11/7/2017
Date

PORTION SECTIONS 6 & 7,
T.15 N., R.20 E., M.D.B. & M.



PORTION SECTION 36
T.16 N., R.19 E., M.D.B. & M.

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