

OBJECTION TO THE "SPECIAL USE PERMIT" and REVISIONS OF CONDITIONS

Submitted by Susan Singer Whitewolf

Adjacent Property Owner: 670 E. Willow Street, Carson City, Nevada

Late Info
G-3

SUBJECT PROPERTY: 4589 SILVER SAGE, CARSON CITY, NEVADA

APN: 009-176-05

FILE NO. SUP-15-079-02 SPECIAL USE PERMIT

ZONING: SINGLE FAMILY 1 ACRE (SFA1)

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MAR 23 2018

CARSON CITY
PLANNING DIVISION

At this time, my concerns remain the same as in the "Petition Objecting To Approval of the Special Use Permit With Property Owners Signatures" time stamped September 23, 2015. I further OBJECT to the removal and/or revision of the conditions of the original Permit Approval on September 30, 2015, by the Planning Commission, including but not limited to the condition that "all unregistered vehicles be stored inside the proposed accessory building".

This is not a simple matter of a typical property owner whose hobby is occasionally repairing or restoring 1 or 2 automobiles or classic vehicles. Two years ago the owner had more than 10 unregistered, inoperable vehicles stored on the property and it appears this number is increasing.

The proposed building is for a "garage/shop building". To my knowledge, the expressed use and intent has not changed. It is not only to be used as a residential garage, but is sized, so major automobile, repair and restoration, including significant automobile body work, dismantling, painting and engine repair can be done on the numerous unregistered and inoperable vehicles currently stored on the property.

The Zoning requirements and the associated definitions for this type of work are clearly identified within the City's Master Plan and Municipal Codes. The Specific Zoning which allows for automobile work is as follows.

1. **Limited industrial (L.I.)** (Within this zoning a Special Use Permit is required for Auto body repair and painting)
2. **General industrial (GI).** (Is for work that uses potentially Hazardous or commonly recognized offensive conditions; the list of Primary Permitted Uses - Automobile storage (no dismantling) and for Welding).

Title 18.02.025 – Jurisdiction, Interpretation and Application

The provisions and standard contained in this title, as well as those contained in the development standards shall be deemed to be minimum standards, with which compliance is essential to the permitted uses.

The City's Zoning and Codes were determined after extensive study and then written with the wisdom or intent to establish a Carson City Master Plan and Zoning Codes that would facilitate the City's growth and protect its citizens. The Commission's various conditions and requirements identified in the approval of the Special Use Permit on September 30, 2015, includes placing all unregistered vehicles inside the proposed accessory building. This was clearly an attempt to assist in the adherence of the City's Municipal Codes, serve to protect the Health and Welfare of its citizens and minimize the City's potential liability for Inverse Condemnation Action that could result from the failure of the Commission to adhere to the Master Plan, Municipal Codes and Regulations including but not limited to all of those described under Title 18 that promote the health, safety and general welfare of Carson City's citizens.

I Susan Singer Whitewolf *Susan Singer Whitewolf* 3/23/2018, OBJECT TO CHANGES OF THE CONDITIONS in the approval of the SPECIAL USE PERMIT dated September 30, 2015.

Attachments: Master Plan, Municipal and Zoning Codes (partial listing only),
Petition Objecting To Approval of the Special Use Permit With Property Owners Signatures"
time stamped September 23, 2015.

CARSON CITY MASTER PLAN

Chapter 6: Livable Neighborhoods & Activity Centers

"Carson City strives to be a city known for its safe, attractive and diverse neighborhoods....".

Principles for achieving Livable Neighborhoods & Activity Centers focus on: Increasing the quality of development citywide:

Guiding Principle 6: Quality Design and Development: Carson City will project a positive image for the community by promoting a high standard of design".

Goal 6.2 - Promote Compatible Infill and Redevelopment

6.2a – Neighborhood Compatibility

Ensure that infill and redevelopment is of a scale and character that is compatible with and enhances the surrounding development context through the use of and other specific design considerations.

Goal 9.3 – Maintain the Quality and Character of Established Neighborhoods

9.4a – Protect the Character of Existing Rural Neighborhoods

MUNICIPAL CODE

- 18.02.015 - Purpose.**

The purpose of Title 18 is to promote the health, safety and general welfare of Carson City's citizens through implementation of Carson City's Master Plan and its elements. It is the intent of the board and the commission that regulatory decisions made pursuant to Title 18 shall promote orderly and appropriate use of land throughout Carson City and be consistent with the goals, policies, objectives and programs of the master plan and its elements.

It is the purpose and intent of the board and commission that this title promote NRS 278.010 through 278.630 inclusive and the following purposes:

1. To coordinate and ensure the execution of the Carson City master plan and its elements through effective implementation of development review requirements, adequate facility and services review.
2. To establish a system of comprehensive, consistent and equitable regulations, standards and procedures for the review and approval of all proposed land development within the city.
3. To implement the process oriented standards located in this title.
4. To implement design-oriented standards contained in the development standards which is parallel authority to this title.

(Ord. 2001-23 § 2 (part), 2001).

18.02.025 – Jurisdiction, Interpretation and Application

"The provisions and standard contained in this title, as well as the standards contained in the development standards shall be deemed to be minimum standards, with which compliance is essential to the permitted uses, and shall not be construed as limiting the legislative discretion of the board to further restrict the permissive uses or to withhold or revoke permits for uses when the protection of the public health, morals, safety, welfare and residential neighborhoods is necessary. Title 18 ordinance requirements and corresponding development standards ordinance requirements shall apply to all properties within Carson City."

Note: Approval of this permit would open the door and provide the opportunity for uses that are defined within the Municipal Codes, Title 18, "Limited Industrial and General Industrial" zoning codes and regulations.

Municipal Code, Title 18.03.010 – Words and terms defined

"Accessory building" or "accessory structure" means a detached usual and customary building or structure associated with a permitted or conditional use, subordinate to the primary use on the same lot, including but not limited to storage, tool shop, children's playhouse, guest building, greenhouse, garage, swimming pools or similar structures 30 inches or more above ground. In calculating the size of an accessory structure, any space with a ceiling 7 feet 6 inches or higher shall be considered habitable space and used in determining total size. An accessory building connected to a main building by a roof, breezeway or other means which is not habitable space is considered an accessory structure attached to a primary building. Each structure must meet standard setback requirements.

"Accessory farm structure" or "accessory farm building" means a structure or building used for the housing of farm equipment or animals usually associated with a farm, including cows, horses, chickens, pigs, sheep, etc., including, but not limited to barns and coops.

"Accessory use" means a use of the land that is associated with and dependent upon the existing permitted or conditional use of that parcel. An accessory use must not take place until the permitted or conditional use.

"Automobile body repair, painting, towing service garage" means a building and premises used primarily for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity. .

"Junkyard" means any space used for collecting, storage, abandonment or sale of junk, wastepaper, rags, scrap metal, discarded material or similar waste including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts or placement of 1 or more dismantled or partially dismantled vehicles.

18.04.145 - Limited industrial (L.I.)

1. The Primary Permitted Use in the LI District is this list plus other uses of similar nature. All uses permitted in Section 18.04.135 General Commercial which are not listed as LI conditional uses and except for residential uses. Residential uses are not permitted or conditionally permitted in the LI zone. A watchman's quarters is permitted pursuant to the requirements of this title in conjunction with a primary permitted use.

3. The Conditional Uses in the LI District which require approval of a Special Use Permit are:

Auto body repair, painting, towing (vehicles must be stored within enclosed sight obscured area);

18.04.150 – General industrial (GI).

"The GI district is established to preserve an industrial district for uses engaged in the basics processing" , "or storage or manufacturing processes that are potentially involve hazardous or commonly recognized offensive conditions. " ...

1. The Primary Permitted Uses in the GI District are this list plus other uses of similar nature."
Automobile storage (no dismantling);
Welding shop;

18.04.045 - Single-family 2 Acre (SF2A), 1 Acre (SF1A) and 21,000 (SF21) residential districts purpose.

The purpose of the SF1A, SF2A and SF21 districts are to provide for the development of low-density, large lot, single-family detached residential units. The SF1A, SF2A and SF21 districts are consistent with the policies of the suburban residential category of the master plan.

(Ord. 2001-23 § 2 (part), 2001).

18.04.055 - Single-family 1 Acre (SF1A).

1. The primary permitted uses in the SF1A district are this list plus other uses of a similar nature:
Single-family dwelling;
Park.

2. The accessory permitted uses incidental to primary permitted uses within the SF1A district are this list plus other uses of a similar nature:
Accessory farm structure;
Accessory structure;
Agricultural use;
Animals and fowl;
Guest building;
Home occupation;
Recreation (swimming pool, tennis court) for individual or subdivision use.

3. The conditional uses in the SF1A District which require approval of a special use permit are:
Bed and breakfast inn;
Child care facility (accessory to residential use);
Church;
Municipal well facility;
School, k-12;
Temporary tract sales office;
Utility substation.

(Ord. 2006-4 § 10 (part), 2006: Ord. 2004-20 § 5 (part), 2004: Ord. 2001-23 § 2 (part), 2001).

OBJECTION TO THE APPROVAL OF THE "SPECIAL USE PERMIT"

Submitted by Susan Singer Whitewolf

Adjacent Property Owner at

670 E. Willow Street, Carson City, Nevada

RECEIVED

SEP 23 2015

CARSON CITY
PLANNING DIVISION

RECEIVED

MAR 23 2018

CARSON CITY
PLANNING DIVISION

SUBJECT PROPERTY: 4589 SILVER SAGE, CARSON CITY, NEVADA

APN: 009-176-05

FILE NO. SUP-15-079 - SPECIAL USE PERMIT

ZONING: SINGLE FAMILY 1 ACRE (SFA1)

The Application and Request for the "Special Use Permit" referenced above, is not for a property owner investing in a structure that is compatible with the development, character or quality of construction that has been and is occurring in my neighborhood. This Permit is for the construction of an oversized, galvanized corrugated metal Quonset style structure. The expressed use and intent for this building is to perform automobile repair/restoration which includes major automobile body work and engine repair.

This is not a simple matter of a typical property owner whose hobby is occasionally repairing or restoring 1 or 2 automobiles or classic vehicles. This is for a "Non-property Owner" to begin repairing many vehicles. This person currently has 10 unregistered, inoperable vehicles stored on the property. By definition this even exceeds the number to qualify as a "Junkyard".

NOTE: (The application of NRS 487 addresses the registration of vehicles and is not intended to replace established zoning codes.)

There is no doubt that the City's approval of this permit will support the furtherance and expansion of a "junkyard". Clearly, approval of this permit for this structure which also supports the intended use and activity, does not comply with the wisdom or intent of the Carson City Master Plan and the Zoning Codes for SF1A.

As an adjacent property owner, I OBJECT TO THE APPROVAL OF THIS SPECIAL USE PERMIT and/or THE CONTINUANCE OF A JUNKYARD.



Susan Singer Whitewolf



**PETITION OBJECTING TO APPROVAL
OF THE "SPECIAL USE PERMIT"
WITH PROPERTY OWNER'S SIGNATURES**

**SUBJECT PROPERTY: 4589 SILVER SAGE, CARSON CITY, NEVADA
APN: 009-176-05
FILE NO. SUP-15-079
ZONING: SINGLE FAMILY 1 ACRE (SFA1)**

I SUPPORT THE ABOVE PETITION AND BY MY SIGNATURE, HEREBY OBJECT TO THE ISSUANCE OF A " SPECIAL USE PERMIT" FOR THE ACCESSORY STRUCTURE ON THE PROPERTY LOCATED AT 4589 SILVER SAGE, CARSON CITY, NEVADA.

PROPERTY OWNER SIGNATURE/Date	PROPERTY ADDRESS	PHONE NO.
Susan Singer White Wolf	670 E. Willow St.	841-4904
Barbara Aguilera (Relative & Resident)	4639 Silver Sage	720-2494
Fredie Aguilera owner	4639 Silver Sage	883-1462
Nita Peaper	4540 Silver Sage	884-4109
Melvin Brown	459 E. Willow St.	885-1883
David Nagy	4830 SILVER SAGE	381-6378
Jaylor Noodale (Resident)	441 E Appion Way	
Alan & Barbara Moore	4690 Silver Sage	8270-530-1414
John & Shirley	302 E. Willow	778-884-2403
Gail Wamuskis	304 E. Willow	RELATIVE + RESIDENT
Cheryl Hawley	302 E. Willow St.	884-2403
Donnell	4529 Center Dr	450-3908
Don + Relative	4521 Center Dr.	(771) 350-0193
Wheeler	4489 CENTER DR	775 884-4136
Zach Clark	4689 Silver Sage Dr.	909-238-9710
Larry Fowler		9710

**OBJECTION AND PROPERTY OWNER'S PETITION
OBJECTING TO THE APPROVAL OF THE "SPECIAL USE PERMIT"**

SUBJECT PROPERTY: 4589 SILVER SAGE, CARSON CITY, NEVADA

APN: 009-176-05

FILE NO. SUP-15-079

ZONING: SINGLE FAMILY 1 ACRE (SFA1)

The property owners, hereinafter referred to as "Owner", on the attached petition, OBJECT TO THE APPROVAL AND ISSUANCE of the "SPECIAL USE PERMIT" for the construction of a 1,500 square foot metal accessory structure detached garage/shop building, on the subject property referenced in the file and on the property noted above. We further request the Board of Commissioners to deny the Permit.

CARSON CITY MASTER PLAN & GOVERNING MUNICIPAL CODES

CARSON CITY MASTER PLAN

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6.2a – Neighborhood Compatibility

Ensure that infill and redevelopment is of a scale and character that is compatible with and enhances the surrounding development context through the use of and other specific design considerations.

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is considered an accessory structure attached to a primary building. Each structure must meet standard setback requirements.

NOTE: See the attached photos depicting the proposed accessory structure and the immediate homes within 1 block of the subject property.

"Accessory farm structure" or "accessory farm building" means a structure or building used for the housing of farm equipment or animals usually associated with a farm, including cows, horses, chickens, pigs, sheep, etc., including, but not limited to barns and coops.

"Accessory use" means a use of the land that is associated with and dependent upon the existing permitted or conditional use of that parcel. An accessory use must not take place until the permitted or conditional use.

★ "Automobile body repair, painting, towing service garage" means a building and premises used primarily for the commercial repair of damage to the chassis of an automobile, including major and minor collision damage, frame and panel straightening, repainting and refinishing, and similar activity. .

★ "Junkyard" means any space used for collecting, storage, abandonment or sale of junk, wastepaper, rags, scrap metal, discarded material or similar waste including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts or placement of 1 or more dismantled or partially dismantled vehicles.

"Property owner" means a person or entity that has fee title to a parcel(s) of real property in the consolidated municipality of Carson City.

- **18.02.007 - Power of board of supervisors (hereinafter in Title 18 referred to as "board")—Zoning and planning.**

1.

The board may:

b.

Adopt master plans for Carson City which will serve as a pattern and guide for the kind of orderly physical growth and development of the city that will minimize impairment of the city's natural resources.

Title 18, 18.02.015 – Purpose

"The purpose of Title 18 is to promote the health, safety and general welfare of Carson City's citizens through implementation of the Carson City's Master Plan and its elements. It is the intent of the board and the commission that regulatory decisions made pursuant to Title 18 shall promote orderly and appropriate use of land throughout Carson City and be consistent with the goals, policies, objectives and programs of the master plan and its elements."

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uses or to withhold or revoke permits for uses when the protection of the public health, morals, safety, welfare and residential neighborhoods is necessary. Title 18 ordinance requirements and corresponding development standards ordinance requirements shall apply to all properties within Carson City."

~~X~~ Note: Approval of this permit would open the door and provide the opportunity for uses that are defined within the Municipal Codes, Title 18, "Limited Industrial and General Industrial" zoning codes and regulations.

18.04.145 - Limited industrial (L.I.)

CLASSIC A/L - unlimited # of uses

Code/Zoning Enforcement Officer

~~X~~ 1. The Primary Permitted Use in the LI District is this list plus other uses of similar nature. All uses permitted in Section 18.04.135 General Commercial which are not listed as LI conditional uses and except for 4 residential uses. Residential uses are not permitted or conditionally permitted in the LI zone. A watchman's quarters is permitted pursuant to the requirements of this title in conjunction with a primary permitted use.

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The purpose of the SF1A, SF2A and SF21 districts are to provide for the development of low-density, large lot, single-family detached residential units. The SF1A, SF2A and SF21 districts are consistent with the policies of the suburban residential category of the master plan.

(Ord. 2001-23 § 2 (part), 2001).

18.04.055 - Single-family 1 Acre (SF1A).

1.

The primary permitted uses in the SF1A district are this list plus other uses of a similar nature:
Single-family dwelling;

Park.

2.

The accessory permitted uses incidental to primary permitted uses within the SF1A district are this list plus other uses of a similar nature:

Accessory farm structure;
Accessory structure;
Agricultural use;
Animals and fowl;
Guest building;
Home occupation;
Recreation (swimming pool, tennis court) for individual or subdivision use.

3.

The conditional uses in the SF1A District which require approval of a special use permit are:

Bed and breakfast inn;
Child care facility (accessory to residential use);
Church;
Municipal well facility;
School, k-12;
Temporary tract sales office;
Utility substation.

(Ord. 2006-4 § 10 (part), 2006: Ord. 2004-20 § 5 (part), 2004: Ord. 2001-23 § 2 (part), 2001).

NEIGHBORHOOD OWNERSHIP & HISTORY

The Owner's who have signed this petition, are taxpayers who reside on their properties. They purchased their homes specifically in this SF1A zoned neighborhood because it provided a quiet, safe, peaceful, neighborhood with the original character of its rural natural setting which is zoned as SF1A allowing for farm accessory, animals and fowl .

Many Owners have resided and invested in their homes for 15 years or more. The Owners, have worked hard to pay for, maintain and improve their homes. They are currently working or worked many years and are retired.

The Owners are requesting that the Board support Carson City's Master Plan and Municipal Code Title 18 for zoning. All have been established to maintain standards that ensure health, safety, quality of development, life, growth and prosperity of the State of Nevada's Capital City and its ideals.

SUBJECT PROPERTY REQUESTING THE “SPECIAL USE PERMIT”

The square footage of the residence is 1,572 Sq.Ft. The proposed accessory structure is 1,500 Sq.Ft. galvanized metal structure. Its design is similar if not identical to a “Quonset Hut”. It does not comply in size or quality with the recommendations of the Master Plan, zoning and building codes for our neighborhood. (SEE ATTACHED PHOTOGRAPHS.)

The property owner, Karen L. Haupt, inherited the residence upon her mother’s death. She has lived in Oregon near her daughter since 2009 (approx.). Ms. Haupt established The Karen L. Haupt Family Trust in 2008 and named Pamela McIntosh as one of the trustees (Note: The trust documents have not been reviewed and the specific trustee duties of Pam McIntosh, trustee, are unknown.) Ms. McIntosh is a resident of Douglas County. Her son, Jason, rents and lives on the property.

He currently stores over “ 10 ” salvaged vehicles 8 of which are inoperable and 25 years or older. In a conversation with a neighbor, Mrs. Aguilera, Jason said “*you haven’t seen anything yet*”.

It has been noted through conversations with Kevin McCoy, Carson City’s Senior Compliance Officer for Code Enforcement, that he has talked to Jason and the intended use for the structure is to store and rehabilitate the salvaged vehicles. The work to restore these vehicles involves intense sanding, grinding, welding, engine repair and painting.

HEALTH & ENVIRONMENTAL HAZARDS

These activities include the use of flammable and hazardous materials and solvents. The activities are environmental hazards in the form of noise and air pollution, increase the potential for ground and water contamination (a number of owners have water wells) and the threat of fire. Property Owners in the neighborhood will be subject to health and safety hazards that exceed that of a typical person repairing their car.

The wind blows from the west to the east and at times from north to south. The subject property is located near the westerly edge of the neighborhood; thereby these activities will directly affect those located to the west and south of the subject. The properties located within a 1 block radius will receive the greatest portion of the negative environmental impacts.

Should the structure be built, the Owners and City have no recourse against any activities conducted within the structure that impact the health, safety and environmental contamination until after the contamination and damage has occurred. (Once a structure is built there is “no going back”. It can forever remain in place and even if it is non-conforming can be rebuilt within 1 year if damaged. (Ref. Code 18.04.030, No. 4))

NOTE: Since neither Ms. Haupt nor Ms. McIntosh live on or near the property, they will not be impacted additionally, the wind will blow contaminates away from the residence towards neighbors.

CONCLUDING STATEMENT

Given the facts, approval of the “Special Use Permit” for this accessory structure does not follow the guidelines in Carson City’s Master Plan or the “Purpose” of Title 18 of the Municipal Code for health, safety, quality of design and development.

Neighborhood property Owners will no longer enjoy a safe and peaceful neighborhood nor the benefit of their hard work, time and money they have invested in their homes to increase the quality of life and add value for themselves and ultimately the neighbors and residents of Carson City.

The approvals of Special Use Permits for non-conforming construction of accessory buildings that do not support the Master Plan for quality and conform to the neighborhood's development, of which this application is a prime example, start a downward trend. As this occurs the land within residential neighborhoods will become increasingly subject to the contamination by the activities of junkyard, automobile dismantling, salvage and repair that fall within the scope of Industrial zoning and Carson City will become a less desirable place to live. As humorous as it may sound, should this permit be approved, the only recourse for the Owner/neighbors will be to either "wear protective clothing and devices" to remediate "some" of the noise and other hazards or sell their homes and move.

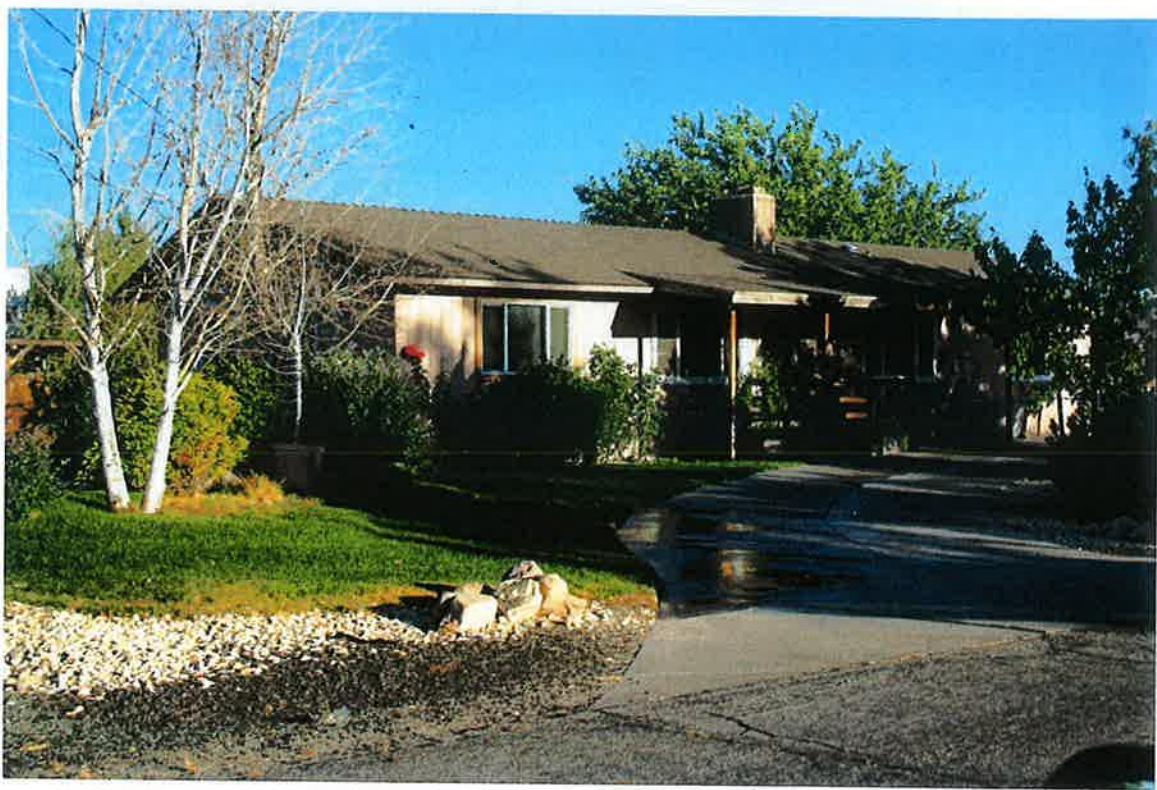
As citizens and property Owners, we believe the Master Plan, Municipal Code and the information we've provided, shows significant cause for the Board to deny this Special Use Permit.

**HOMES
WITH ACCESSORY BUILDINGS**

302 E. WILLOW ST. W/STEEL BLDG.



4489 CENTER DR. W/STEEL BLDG.



590 E. APPION ST. ACCESSORY BLDG.



620 E. APPION ST. BARN



590 E. APPION, W/GARAGE



4689 SILVER SAGE DR. W/NEW BLDG.



**NEWER
CONSTRUCTION**

670 E. WILLOW ST.

ADJACENT TO SUBJECT



NEW 3 BLOCKS FRM SUBJECT



**TYPICAL HOMES
IN NEIGHBORHOOD**

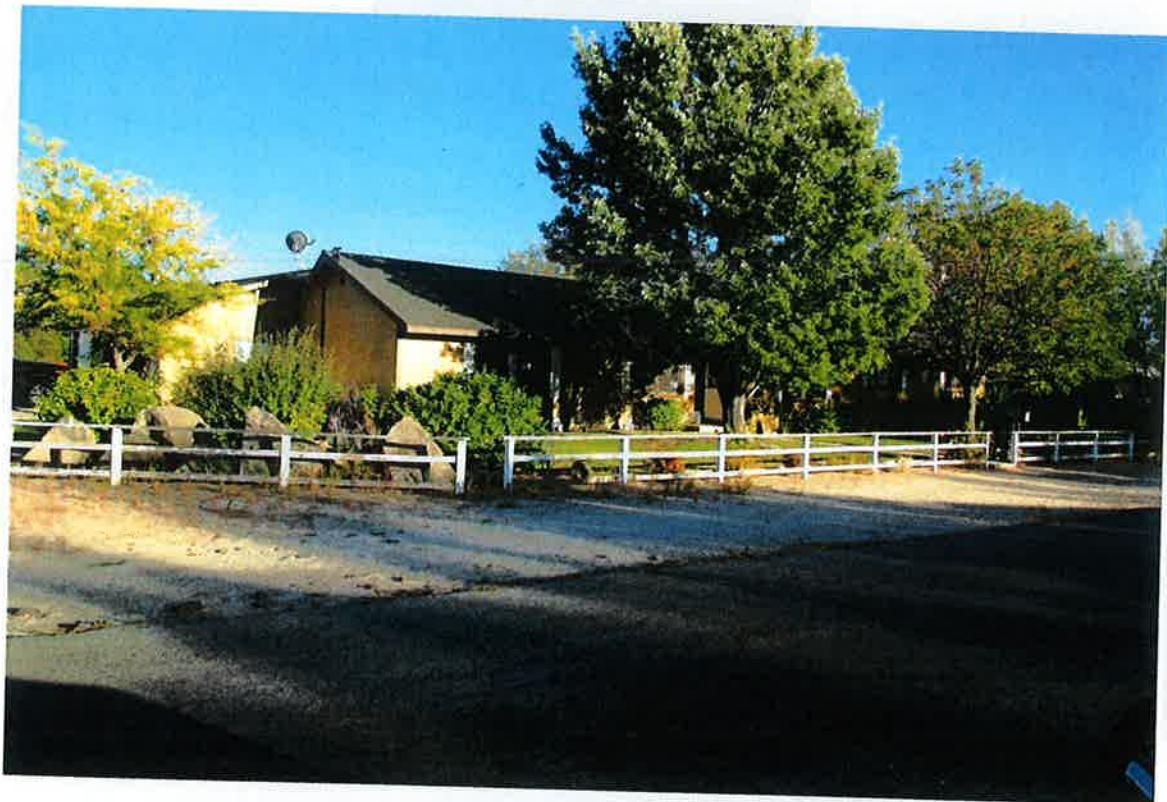
4639 SILVER SAGE DR. W/YARD



4646 CENTER DR.



4521 CENTER DR.



4856 SILVER SAGE DR. W/BLDG.



4830 SILVER SAGE DR.



SUMMARY OF BASIS FOR OPPOSITION AND DENIAL OF THE “SPECIAL USE PERMIT”

1. The Subject Property and our neighborhood is zoned SF1A which is a single family residential neighborhood. Accessory farm structure (use is for housing farm equipment or animals...), agricultural use, animals and fowl, home occupation and recreation such as swimming pools and tennis courts are among the primary uses conditional uses for schools, churches, child care, utility substation, temporary tract sales offices and bed & breakfast inns are specified in the zoning code. NONE OF THESE ARE INDUSTRIAL USES.

Limited Industrial zoning identifies “Auto body repair, painting, ect.” use is acceptable, however even within this zoning a Special Use Permit for this activity is required.

General Industrial zoning accommodates activities that are potentially hazardous or commonly recognized as offensive conditions. Among these activities are Automobile storage (no dismantling) & welding.

“Junkyard” definition: “means any space used for collecting, storage, abandonment or sale of junkincluding the dismantling, demolition or abandonment of automobiles, other vehicles, or placement of 1 or more dismantled or partially dismantled vehicles.”

2. The existing vehicle storage on the Subject Property fits the definition of “Junkyard”.
3. CARSON CITY MASTER PLAN – The proposed structure does not meet the Guiding Principles or Goals of the Master Plan as described within Chapter 6
4. The proposed structure does not fit or meet the Municipal Code Zoning Code for SF1A.
5. The existing vehicle storage on the Subject Property fits the definition of “Junkyard”.
6. The intended use of the structure which is the subject of this “Special Use Permit” request is for activities that pose potential environmental hazards to humans and animals. These activities are also commonly recognized as offensive in residential neighborhoods.
7. Approval of this Special Use Permit and storage of more than 2 vehicles that are not operable on the highway does not conform to wisdom, purpose and implementation of Carson City’s Master Plan and or Zoning Codes. The consequences of these actions will have a negative effect on property values which also impacts tax revenue.

Attachments

The attachments are included to demonstrate that the proposed accessory structure does not conform in character or compatibility to the usual and customary buildings in its neighborhood.

- 1) Photograph of a typical Metal Building as proposed which is the subject of the request for this Special Use Permit
- 2) Photographs of existing neighborhood homes and improvements within close proximity to the Subject Property and topic of this Permit.