

STAFF REPORT FOR PLANNING COMMISSION MEETING OF NOVEMBER 28, 2018

FILE NO: VAR-18-160

AGENDA ITEM: E.2

STAFF CONTACT: Hope Sullivan, AICP, Planning Manager

AGENDA TITLE: For Possible Action: To consider a request for a Variance to the front and rear setbacks so as to have a front setback of 10 feet where 19 feet is required, and to have a rear setback of 5 feet where 10 feet is required on property zoned Single Family 12,000 Planned Unit Development (SF12-P), located at 1113 Drysdale Court, APN 007-633-02. (Hope Sullivan, hsullivan@carson.org)

STAFF SUMMARY: *The applicant is seeking to develop a lot that is bounded on one side by a public park, and on another side by a common area parcel. The applicant is seeking a variance to the required setbacks so as to create uniformity with the neighboring parcels, and to keep the building orientation and placement on the lot consistent with the other homes in the area.*

RECOMMENDED MOTION: "I move to approve VAR-18-160, a Variance to allow a front setback of 10 feet where 19 feet is required, and to have a rear setback of 5 feet where 10 feet is required on property zoned Single Family 12,000 Planned Unit Development, located at 1113 Drysdale Court, based on the findings and subject to the recommended conditions of approval in the staff report."

VICINITY MAP:



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 use for which this permit is approved shall commence within twelve (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 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. Setbacks on the North and the West (along the park) must be ten feet, and the setback on the East (along the open space) must be 19 feet.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review), CCMC 18.02.085 (Variances), CCMC 18.04.190 (Residential Districts Intensity and Dimensional Standards)

MASTER PLAN DESIGNATION: Parks and Recreation

ZONING DISTRICT: Single Family 12,000 Planned Unit Development (SF-12 P)

KEY ISSUES: Are there unique circumstances applicable to the subject property to justify the modifications to the setbacks in this instance?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Single Family 12,000 Planned Unit Development / Single Family Residential
SOUTH: Single Family 12,000 Planned Unit Development / Single Family Residential
EAST: Single Family 12,000 Planned Unit Development / Open Space
WEST: Single Family 12,000 Planned Unit Development/ Park

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: X (Areas of Minimal Flooding)

SLOPE/DRAINAGE: The site is flat

EARTHQUAKE: Zone I Severe

FAULT ZONE: Within 500 feet

SITE DEVELOPMENT INFORMATION:

PARCEL SIZE: 6,517 square feet

EXISTING LAND USE: Vacant

PROPOSED STRUCTURE: Single Family Residential

REQUIRED SETBACKS: Front: 19 feet, Side: 5 feet, Street Side: 10, Rear: 10 feet

PROPOSED SETBACKS: Front: 10 feet, Side: 10 feet, Rear: 5 feet

PREVIOUS REVIEWS: None

DISCUSSION:

CCMC 18.03 defines a variance as "a departure from or not to be in full compliance with the provisions of the zoning ordinance requirements for a specific parcel, except for uses, without changing the zoning ordinance or the underlying zoning of the parcel. A variance is granted only upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district. Because of special circumstances applicable to the property, strict application to the provisions of the development code standards and requirements deprives such property of privileges enjoyed by others in the vicinity. A self-imposed hardship is not a legitimate ground or reason for a variance approval."

The Silver Oak Planned Unit Development tentative map for 1181 dwelling units was approved by the Board of Supervisors at its meeting of September 16, 1993. The subject property is located in Silver Oak Phase 21. Phase 21 was not originally contemplated, and constituted a modification to the Planned Unit Development. The Board of Supervisors approved the Tentative Planned Unit Development for Silver Oak Phase 21 at its meeting of April 21, 2016. In seeking approval of Phase 21, the applicant noted the setbacks would be as follows.

Front:	20 feet
Side:	5 feet
Street Side:	10 feet
Rear:	10 feet

On January 31, 2018, the Community Development Director approved a Minor Variance to allow a front yard setback of 19 feet throughout Phase 21.

The development is being improved with homes that have a consistent look. The applicant is seeking the variance to retain the uniformity of the area.

CCMC authorizes the Planning Commission to approve a variance. The Planning Commission may only approve a variance upon making each of the three required findings in the affirmative.

PUBLIC COMMENTS: Public notices were mailed on November 9, 2018 to 31 property owners within 400 feet of the subject property. No letters or comments either in support or 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 application was distributed to various City departments, and no departments had any comments.

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.**

This finding can be met. The subject property is bounded on one side by a park, on the opposite side by open space, and on a third side by a road. The property has the appearance of being along a road where the houses all look alike and are similarly located on the property, with the front doors facing Drysdale Court, and the backyards adjacent to the park. However, open space technically separates this property from the road. The variance will allow the proposed home to have the same position and orientation as the neighboring homes so that side yards are adjacent, and all of the backyards are adjacent to the park.

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

The modification to the setbacks will not increase the building envelope, but will simply re-orient the building envelope so that the home on this lot will have the same orientation as the neighboring lots. This will retain the neighborhood appearance.

- 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 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 rotation of the building envelope will result in sideyards next to sideyards, and backyards next to backyards, thus creating consistency along the street.

Attachments:

Application (VAR-18-160)

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

FILE # VAR - 18 - 160

APPLICANT	PHONE #	
Lantern Investments LLC	775-684-9275	
MAILING ADDRESS, CITY, STATE, ZIP	3075 College Drive Carson City NV, 89703	
EMAIL ADDRESS	standis@ridge.lenv.com	
PROPERTY OWNER	PHONE #	
Same		
MAILING ADDRESS, CITY, STATE, ZIP		
EMAIL ADDRESS		
APPLICANT AGENT/REPRESENTATIVE	PHONE #	
MAILING ADDRESS, CITY, STATE, ZIP		
EMAIL ADDRESS		
Project's Assessor Parcel Number(s): 007-631-19	Street Address 1113 Drysdale Court Carson City NV, 89703	
Project's Master Plan Designation	Project's Current Zoning	Nearest Major Cross Street(s) OAK Ridge

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

PROPERTY OWNER'S AFFIDAVIT

I, Sam Landis, 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

1113 Drysdale

Address

10/18/18

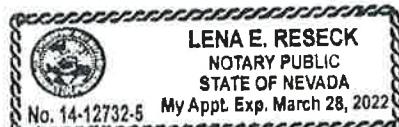
Date

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

STATE OF NEVADA)
COUNTY)

On 10/18/18, 2018, Sam Landis, 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.

Lena E. Reseck
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.

RECEIVED
OCT 18 2018
CARSON CITY
PLANNING DIVISION

FOR OFFICE USE ONLY:

CCMC 18.02.085

VARIANCE

FEE*: \$2,150.00 + noticing fee

*Due after application is deemed complete by staff

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.

VARIANCE FINDINGS SILVER OAK PHASE 21

FINDINGS

1. That because of 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 classification

Explanation. The setbacks in Silver Oak Phase 21 were intended to create consistency of appearance and spacing of the homes in this phase. The configuration of this particular lot was affected by the requirement to create enough "open space" in this phase to comply with existing rules. This is why there is a landscaped area (common area parcel G) on the south side of the lot and what results in the need to create a side load garage and consider the north side of the home the "back side" of the home abutting Mankins Park, just like the rest of the homes on that side of Drysdale that back up to Mankins Park.

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

Explanation. Granting this variance facilitates the construction of a home that is more consistent in appearance, configuration, and orientation to the existing homes on Drysdale than would be if the variance were not granted. We have worked to create a collection of homes that are consistent and thematic in their appearance and arrangement (spacing). What has been built in Phase 21 to date is clear evidence of this. Occasionally some creative thinking is required to maximize the quality, appearance, and value for both the neighborhood as a whole and the individual finished product. Because of open space requirements and lot design this particular lot requires a variance to assure consistency in appearance and orientation and will result in the best possible outcome and value for all stakeholders.

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

Explanation. The granting of the variance will result in the best possible appearance, spacing, and arrangement for the individual lot as well as the overall neighborhood. Creating a consistent spacing and appearance is good for the existing residents, the end user of this home, and us as the developer/builder. No one loses or compromises anything by granting the variance. Failure to grant the variance will result in a finished product that is less desirable and therefore less valuable and notably different in appearance and orientation (in a negative way) than the rest of the homes in the division.

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

ACKNOWLEDGMENT OF APPLICANT

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

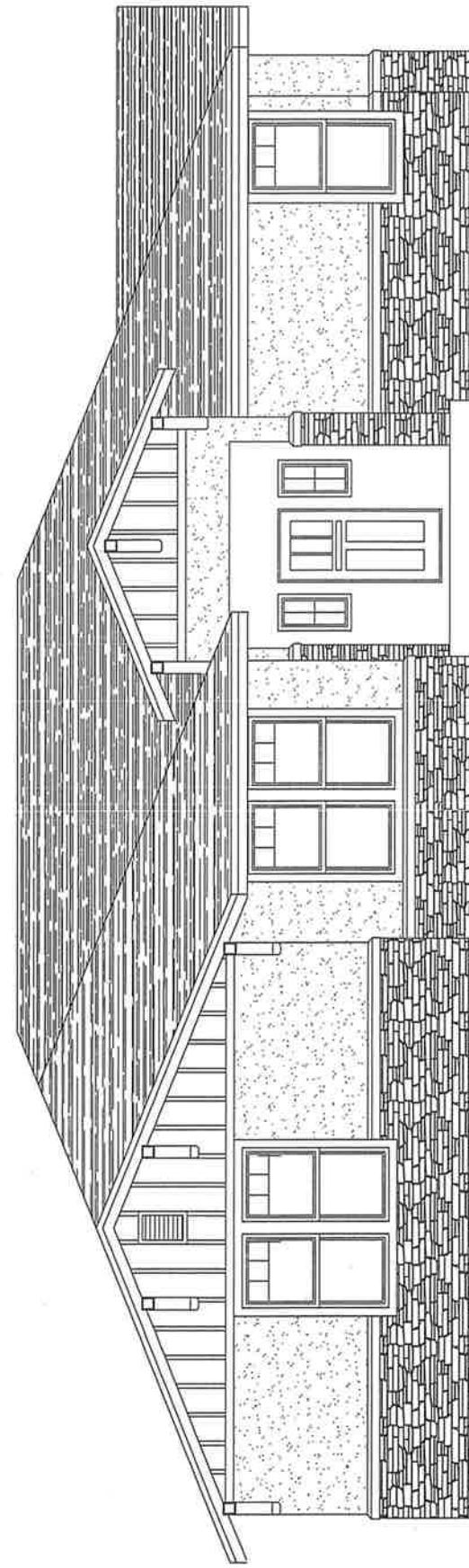
Applicant's Signature



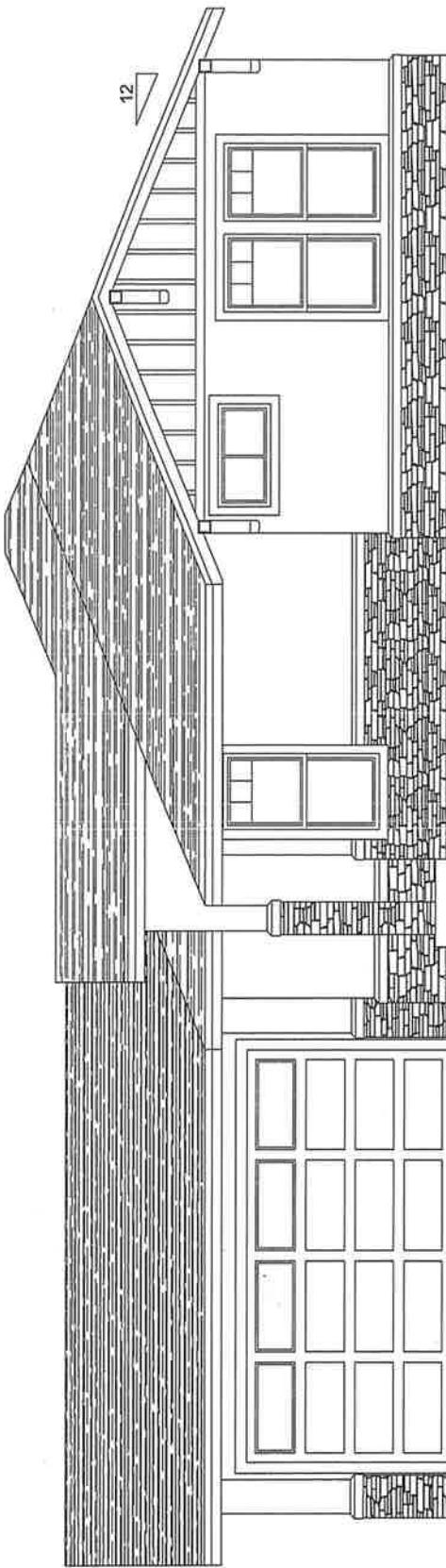
Date

10/18/18

Sam Landis Lantua Investments LLC



FRONT ELEVATION



RIGHT SIDE ELEVATION

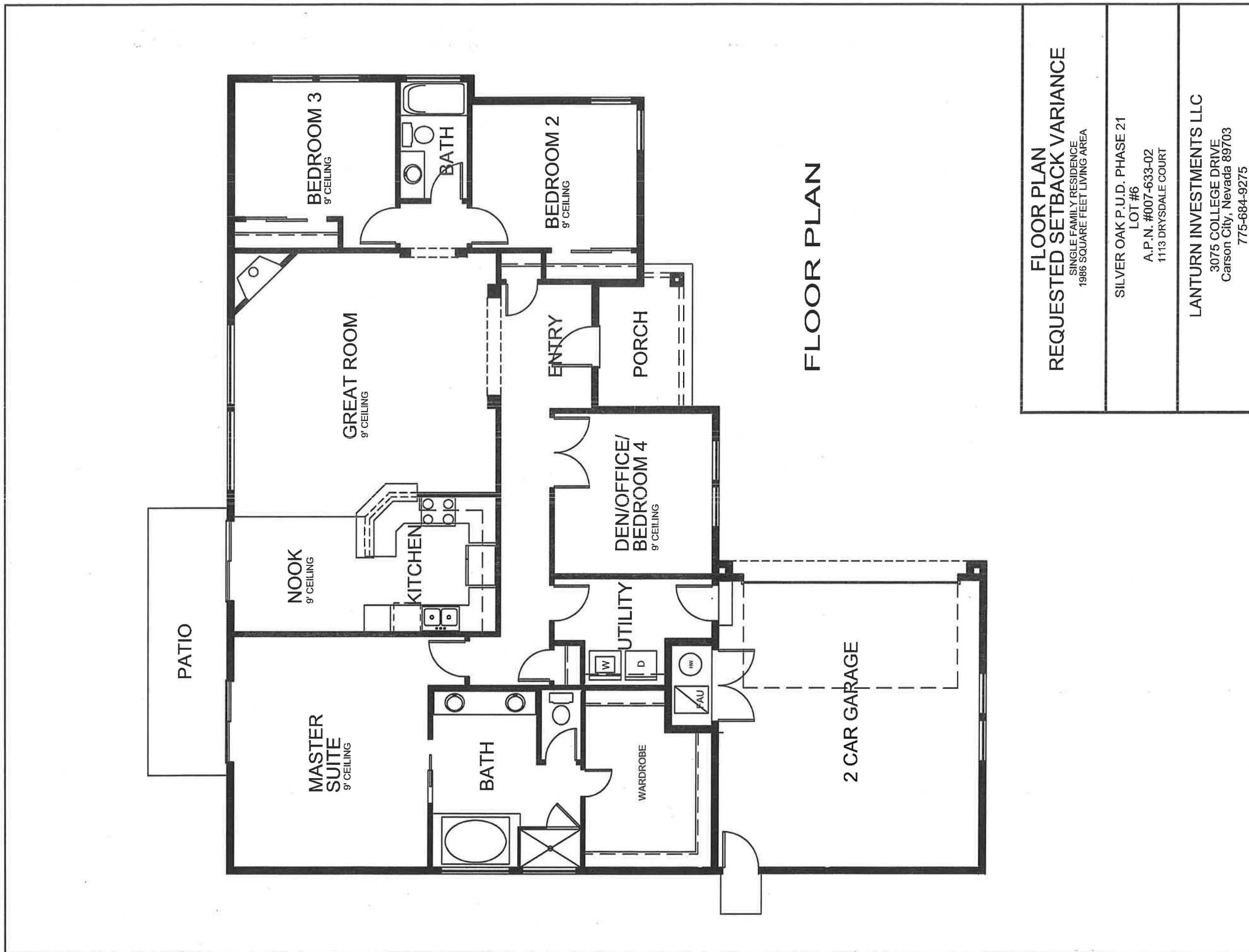
ELEVATIONS
REQUESTED SETBACK VARIANCE

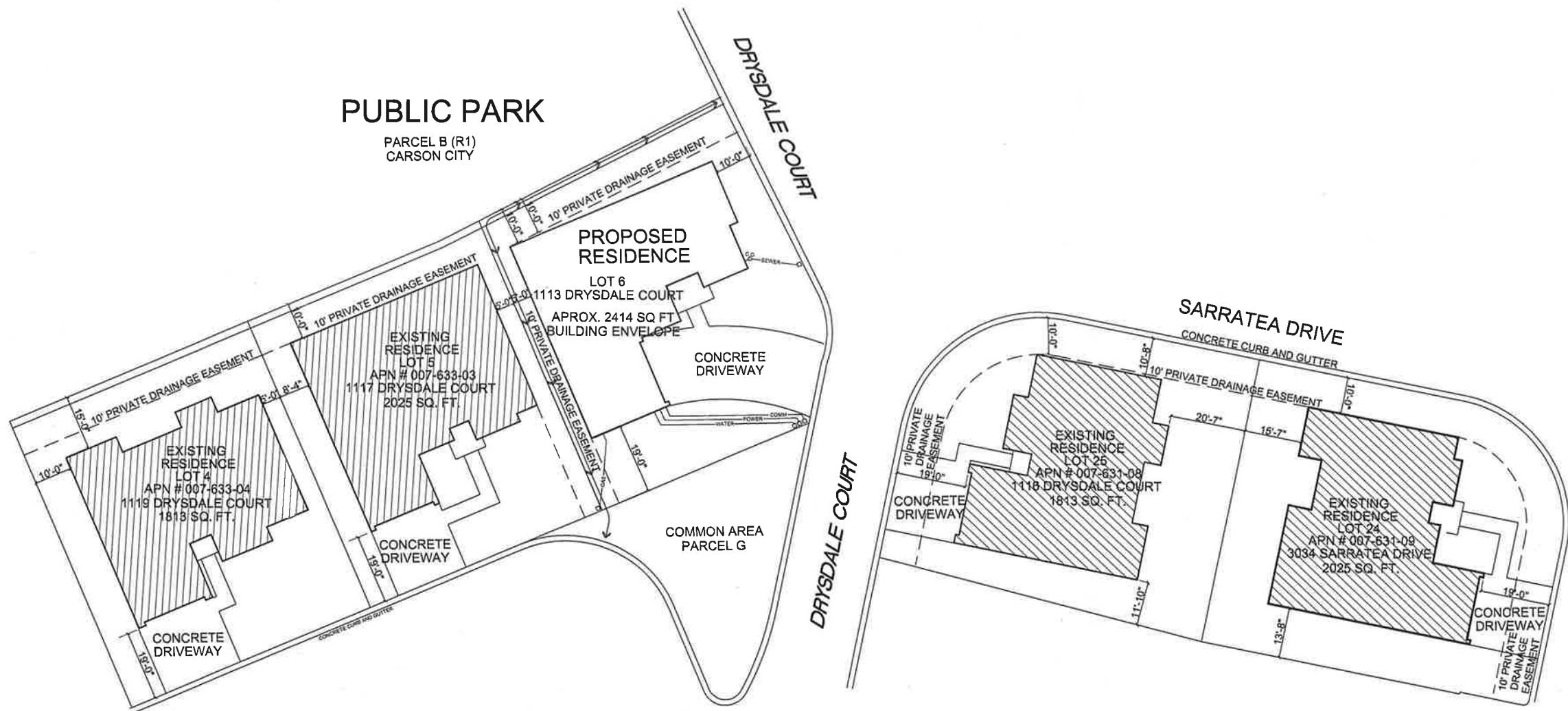
SINGLE FAMILY RESIDENCE

1986 SQUARE FEET LIVING AREA

SILVER OAK PUD. PHASE 21
LOT #6
A.P.N. #007-633-02
1113 DRYSDALE COURT

LANTURN INVESTMENTS LLC
3075 COLLEGE DRIVE
Carson City, Nevada 89703
775-684-9275





**PROPOSED RESIDENCE
w/ REQUESTED SETBACK VARIANCE**

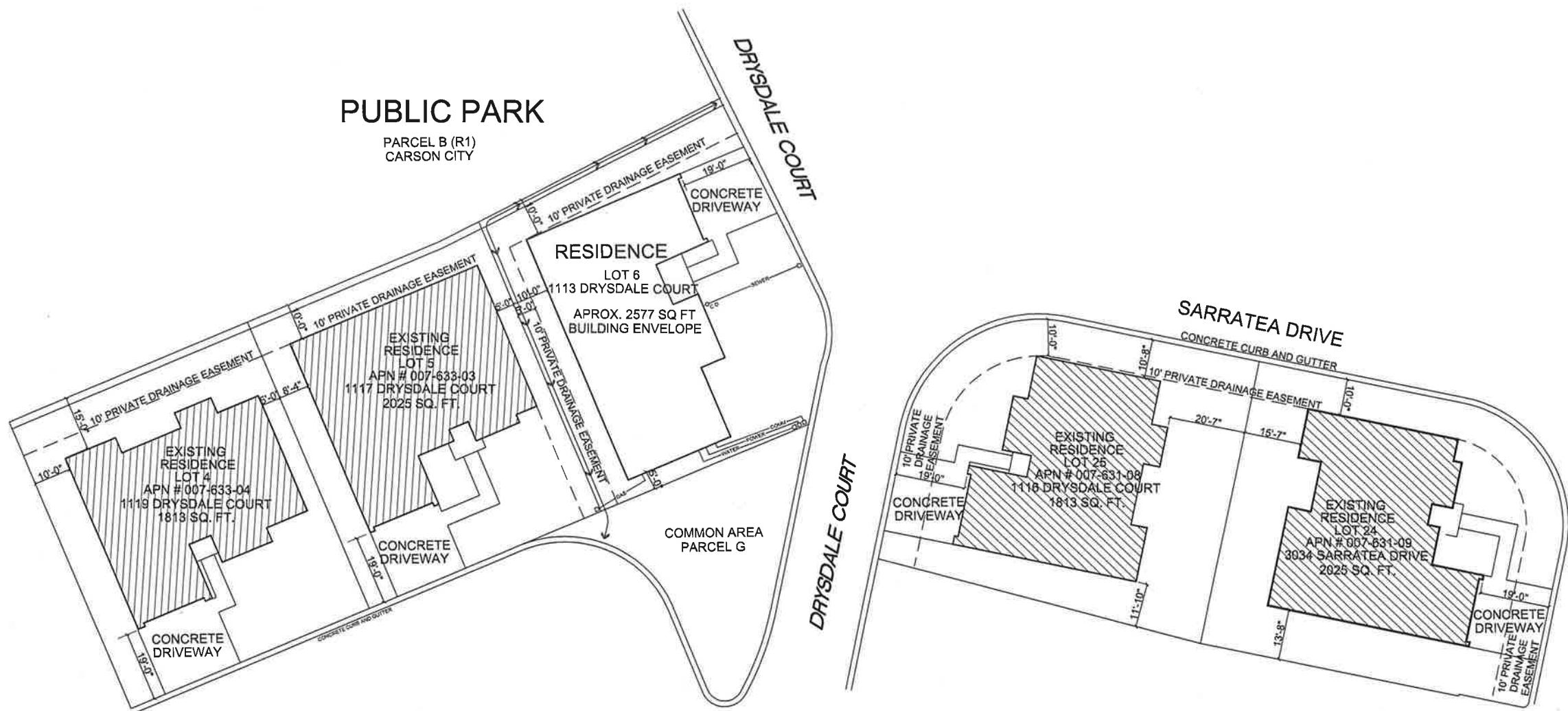
SINGLE FAMILY RESIDENCE
1986 SQUARE FEET LIVING AREA
SCALE: 1/16"=1"

SILVER OAK P.U.D. PHASE 21
LOT #6
A.P.N. #007-631-19
1113 DRYSDALE COURT

LANTURN INVESTMENTS LLC
3075 COLLEGE DRIVE
Carson City, Nevada 89703
775-684-9275

PUBLIC PARK

PARCEL B (R1)
CARSON CITY



SITE PLAN WITH REQUIRED MINIMUM SETBACKS

SINGLE FAMILY RESIDENCE
2122 SQUARE FEET LIVING AREA
SCALE: 1/16"=1'

SILVER OAK P.U.D. PHASE 21
LOT #6
A.P.N. #007-631-19
1113 DRYSDALE COURT

LANTURN INVESTMENTS LLC
3075 COLLEGE DRIVE
Carson City, Nevada 89703
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