

STAFF REPORT FOR PLANNING COMMISSION MEETING OF APRIL 27, 2022

FILE NO: LU-2022-0061

AGENDA ITEM: 6.A

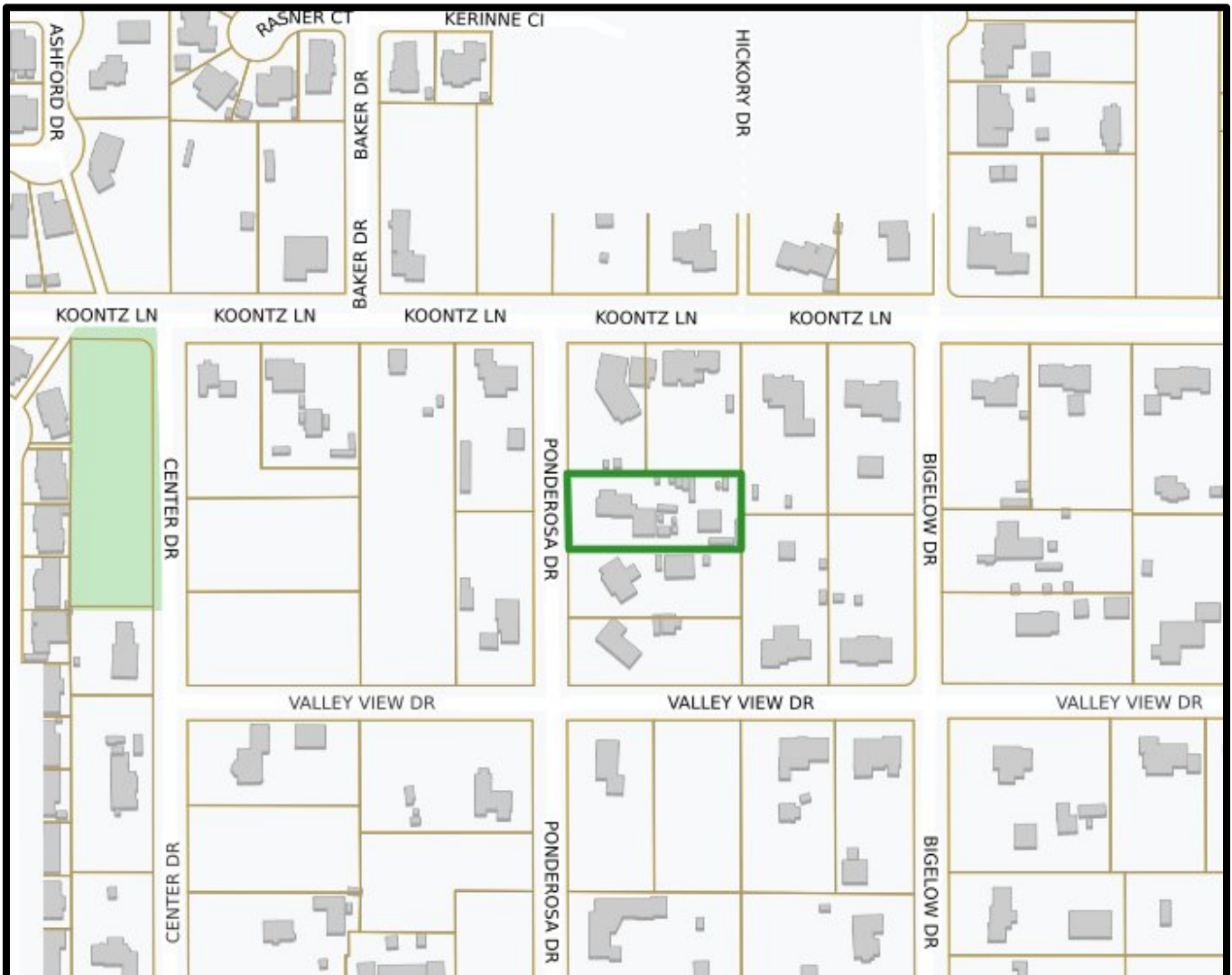
STAFF CONTACT: Heather Manzo, Associate Planner

AGENDA TITLE: For Possible Action: Discussion and possible action regarding a request for a special use permit for a fence located within the front setback area which exceeds the allowable fence height on property zoned Single Family - 1 Acre (“SF1A”) and is located at 3809 Ponderosa Drive, APN 009-137-07. (Heather Manzo, hmanzo@carson.org)

STAFF SUMMARY: Per Carson City Development Standards (“CCDS”) 1.13.5.a, a sight obscuring fence may not exceed three feet in height when it is located in the front building setback. A fence has been constructed that is a combination of open view and solid fencing/wall totaling 6 feet in height. Per CCDS 1.13.7, fences within setbacks may be permitted in excess of ordinance requirements by approval of a special use permit. The Planning Commission is authorized to approve a special use permit.

PROPOSED MOTION: “I move to approve special use permit LU-2022-0061, based on the ability to make all findings and subject to the conditions of approval contained in the staff report.”

VICINITY MAP:



RECOMMENDED CONDITIONS OF APPROVAL:

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on and off-site improvements shall conform to City standards and requirements.
4. The applicant shall meet all the conditions of approval and commence the use for which this permit is granted, within 12 months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division at least 30 days prior to the one-year expiration date. Should this permit not be initiated within one-year, and no extension granted, the permit shall become null and void.
5. Prior to the approval of a building permit for the fence, the applicant shall either:
 - a) Demonstrate that the water meter has been relocated to the approval of the Public Works Department.
 - b) Relocate the fence to meet clearance requirements from the water meter; or
 - c) Provide the Planning Division a signed disclosure document, with appropriate recording fees, that acknowledges that the fence is located closer to the water infrastructure than City standards permit and that maintenance to the water utility infrastructure, including but not limited to, the water main and meter may necessitate modification or removal of the fence, or a portion of the fence. The disclosure document shall acknowledge that Carson City shall not be liable for repair or replacement of damage to the fence. The disclosure will further acknowledge that the proximity of the fence to the water meter may impede the ability of Water Division personnel to perform timely emergency shutdown of the water service and that the property owner accepts this risk. Upon receipt of the signed document, the Planning Division will cause the document to be recorded.
6. Prior to the issuance of a permit for the fence, the applicant shall demonstrate that the request complies with all requirements, including the installation of a Knox switch on the exterior side of the gates if gates have automatic openers for Fire Department access.
7. The applicant shall obtain a building permit within 6 months of this approval.

LEGAL REQUIREMENTS: Carson City Municipal Code (“CCMC”) 18.02.050 (Review); 18.02.080 (Special Use Permits) 18.04.055 (Single Family 1 Acre (“SF1A”)); and Carson City Development Standards (“CCDS”) Division 1, Section 1.13 (Fences, Walls, and Hedges).

MASTER PLAN DESIGNATION: Low Density Residential

ZONING: SF1A

KEY ISSUES: Will the fence be compatible with the surrounding neighborhood and be in keeping with the standards of the CCMC?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: SF1A – Single Family Residences
EAST: SF1A – Single Family Residences
SOUTH: SF1A – Single Family Residences

WEST: SF1A – Single Family Residences

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: X Shaded (areas of minimal flooding)

SLOPE/DRAINAGE: project area is flat

SEISMIC ZONE: Zone III, moderate earthquake potential, beyond 500 feet

SITE DEVELOPMENT INFORMATION:

PARCEL AREA: ±0.91 acres

EXISTING DEVELOPMENT: Single family residence

BACKGROUND: The fence has been in place since March 2016 and was constructed without a permit. This request is to bring the existing fence into conformance with CCMC requirements. This item was continued from the March 30, 2022, Planning Commission meeting at the applicant's request to allow additional time to coordinate with staff on the recommended conditions of approval.

DISCUSSION: The request consists of a 6-foot-tall fence that is constructed of solid reinforced block for the first 3 feet above grade and additional 3 feet of open view iron. The fence is located on the front property line and because the fence is taller than 3 feet in height, a special use permit is required per CCDS Division 1, Section 1.13 (Fences, Walls and Hedges).

PUBLIC COMMENTS: Public notices were mailed on March 15, 2022, to 35 property owners, within 500 feet of the subject site, pursuant to the provisions of the Nevada Revised Statutes and the CCMC. The item was continued date certain to the April 27, 2022, Planning Commission meeting so no additional noticing was required. As of the writing of this report, staff received a voice message from a neighbor opposed to the fence noting that the fence is unattractive. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting on April 27, 2022, depending on their submittal date to the Carson City Planning Division.

CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS: Plans were routed to commenting agencies, and the following comments were received. Comments have been incorporated into the conditions of approval, as appropriate.

Development Engineering:

Development Engineering has reviewed the application within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses. Development Engineering has no preference or objection to the special use permit request and offers the following discussion:

The fence is in close proximity to the water main and water meter. As currently improved, maintenance activities for the water utility infrastructure may necessitate modification or removal of the fence to gain access to the water main or meter. It is recommended that the applicant either: relocate the water meter or the fence to meet separation standards or that the applicant have a disclosure document recorded for the property to ensure the current and future property owner(s) understand that the fence is located closer to the water infrastructure than City standards permit. Repairs to water infrastructure may result in sections of the fence being damaged and/or destroyed. The disclosure document will acknowledge that Carson City will not be liable for repair or replacement of damage to the fence. The disclosure will further acknowledge that the proximity of the fence to the water meter may impede the ability of Water Division personnel to perform an emergency shutdown of the water service and that the property owner accepts this risk.

CCMC 18.02.080(5)(a) - Master Plan

The request is not in conflict with the Master Plan.

CCMC 18.02.080(5)(b) – Use, Peaceful Enjoyment, Economic Value, Compatibility

Development Engineering has no comment on this finding.

CCMC 18.02.080(5)(c) - Traffic/Pedestrians

Site Distance: The fence does not inhibit sight distance triangles as defined in the Carson City Development Standards.

Local intersections: The closest intersections to the proposed project are Ponderosa Drive and Koontz Lane and Ponderosa Drive and Valley View Drive. Valley View Drive and Ponderosa Drive are local streets while Koontz Lane is a minor collector.

Parking and internal circulation: Parking is offered onsite via a driveway and garage.

Adjacent Streets On-Street Parking: There is no paved on-street parking.

Proposed and/or necessary improvements: There are no necessary improvements.

CCMC 18.02.080(5)(d) - Public Services

Sanitary Sewer: This project has no impact on City sewer services.

Water: This project has no impact on city water services. The fence is located in close proximity to the water utility infrastructure.

Storm Drain: This project has no impact on city storm water.

CCMC 18.02.080(5)(e) – Title 18 Standards

Development Engineering has no comment on this finding.

CCMC 18.02.080(5)(f) – Public health, Safety, Convenience, and Welfare

The project meets engineering standards for health and safety.

Earthquake faults: The closest fault is over 500 feet away with a slip rate of less than 0.2 millimeters/year.

FEMA flood zones: The current FEMA flood is Zone X (unshaded) so no special flood mitigation is required.

Site slope: The site is level.

Soils and Groundwater: The site is currently developed.

CCMC 18.02.080(5)(g) – Material Damage or Prejudice to Other Property

Development Engineering has no comment on this finding.

CCMC 18.02.080(5)(h) – Adequate Information

The plans and reports provided were adequate for this analysis.

Fire Department:

1. The project must comply with the International Fire Code and Northern Nevada Fire Code amendments as adopted by Carson City.
2. If vehicle gate is electric, provide a Knox switch on the exterior side of the fence for fire department access.

Building Division:

1. The applicant will need to apply for a permit digitally using the Carson City permit center permitcenter.carson.org
2. Engineering for the masonry wall will be required.
3. The design will need to be in accordance with the 2018 Code Series and Northern Nevada Amendments (Building and Fire).

FINDINGS: Staff's recommendation is based upon the findings as required by CCMC Section 18.02.080 (Special Use Permits) enumerated below and substantiated in the public record for the project.

1. **The project will be consistent with the master plan elements.**

The single-family residential use of the property is consistent with the Low-Density Residential Master Plan land use and the requested fence does not conflict with the residential character of the neighborhood.

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

The fence is consistent with preserving the single-family character of the property and surrounding neighborhood. Approval of the request will not create adverse impacts such as noise, vibrations, fumes, odors, dust, glare or impactful physical activity.

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

The fence is constructed of quality material and is located approximately 18 feet from the street. The fence does not create sight distance concerns due to the distance from the fence to the street.

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

The site is located within an area where services and utilities currently exist. This request will not overburden services and facilities.

The fence was constructed near the water meter and the water main is located under the fence. A condition is recommended to either relocate the water meter or modify the location of the fence or to have a disclosure document recorded for the property to ensure that should maintenance to the water utility infrastructure require modifications to the fence, the owner would be responsible for repairs or replacement of the portion of the fence affected by such maintenance. Any request by the property owner to relocate water utility infrastructure will need to be approved by Carson City and a permit would be required.

The applicant will need to demonstrate compliance with Fire Department requirements for access to include compliance with the International Fire Code and Northern Nevada Fire Code amendments, as adopted by Carson City. If the vehicle access gate is electric, the applicant will be required to provide a Knox switch on the exterior side of the gate for emergency access.

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

Per CCDS Division 1.13, fences located in the front setback over 3 feet in height require a special use permit. Additionally, all fences shall maintain a sight distance area as defined in Section 18.03 (Definitions), including distance from neighboring property driveways. The fence is set back from the roadway approximately 18 feet providing sight visibility from adjacent driveways. The driveway gates and the fence materials consist of 3 feet of solid fencing with open view fencing above 3 feet above grade. Structural supports are located every 12 linear feet.

6. The project will not be detrimental to the public health, safety, convenience and welfare.

The fence is constructed of acceptable materials and the height of the fence may be approved by special use permit. The proposed fence will not have a negative effect on the public health, safety, convenience, and welfare.

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

The fence is constructed of quality materials and will not result in material damage or prejudice to other properties in the area.

Attachments:

Application LU-2022-0061

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 18.02.080

FILE # SUP - 18 -

SPECIAL USE PERMIT

APPLICANT PHONE #
 Janet L. Thomas 775-600-8188

FEE*: **\$2,450.00 MAJOR**
\$2,200.00 MINOR (Residential zoning districts)
+ noticing fee
 *Due after application is deemed complete by staff

MAILING ADDRESS, CITY, STATE, ZIP
 3809 Ponderosa Drive, Carson City, NV 89701

- SUBMITTAL PACKET – 4 Complete Packets (1 Unbound Original and 3 Copies) Including:**
- Application Form
 - Detailed Written Project Description
 - Site Plan
 - Building Elevation Drawings and Floor Plans
 - Special Use Permit Findings
 - Master Plan Policy Checklist
 - Applicant's Acknowledgment Statement
 - Documentation of Taxes Paid-to-Date
 - Project Impact Reports (Engineering)

EMAIL ADDRESS
 JanLThomas@protonmail.com

PROPERTY OWNER PHONE #
 Thomas Preservation Trust

MAILING ADDRESS, CITY, STATE, ZIP
 3809 Ponderosa Drive, Carson City, NV 89701

EMAIL ADDRESS
 JanLThomas@protonmail.com

APPLICANT AGENT/REPRESENTATIVE PHONE #

CD or USB DRIVE with complete application in PDF

MAILING ADDRESS, CITY STATE, ZIP

Application Received and Reviewed By: _____

EMAIL ADDRESS

Submittal Deadline: See attached Planning Commission application submittal schedule.

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

<u>Project's Assessor Parcel Number(s):</u> 009-137-07	<u>Street Address</u> 3809 Ponderosa Drive, Carson City, NV 89701	
<u>Project's Master Plan Designation</u> SF1A	<u>Project's Current Zoning</u> SF1A	<u>Nearest Major Cross Street(s)</u> Ponderosa Drive @ Koontz Lane

Please provide a brief description of your proposed project and/or proposed use below. Provide additional pages to describe your request in more detail.
 To obtain a Special Use Permit for a fence which is in the front setback area and over 4 feet tall.

PROPERTY OWNER'S AFFIDAVIT

I, Janet L. Thomas, 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.

Janet L. Thomas 3809 Ponderosa Drive, Carson City, January 19, 2022
 Signature Address Date

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

STATE OF NEVADA)
 COUNTY)
 On January 19, 2022, Janet L. Thomas, 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.
Cheryl D. Hilly
 Notary Public

NOTE: If your project is located within the Historic District or airport area, it may need to be scheduled before the Planning Commission or the Airport Authority in addition to being scheduled for review by the Planning Commission. Planning Commission help you determine if your project requires a Special Use Permit.



Detailed Project Description

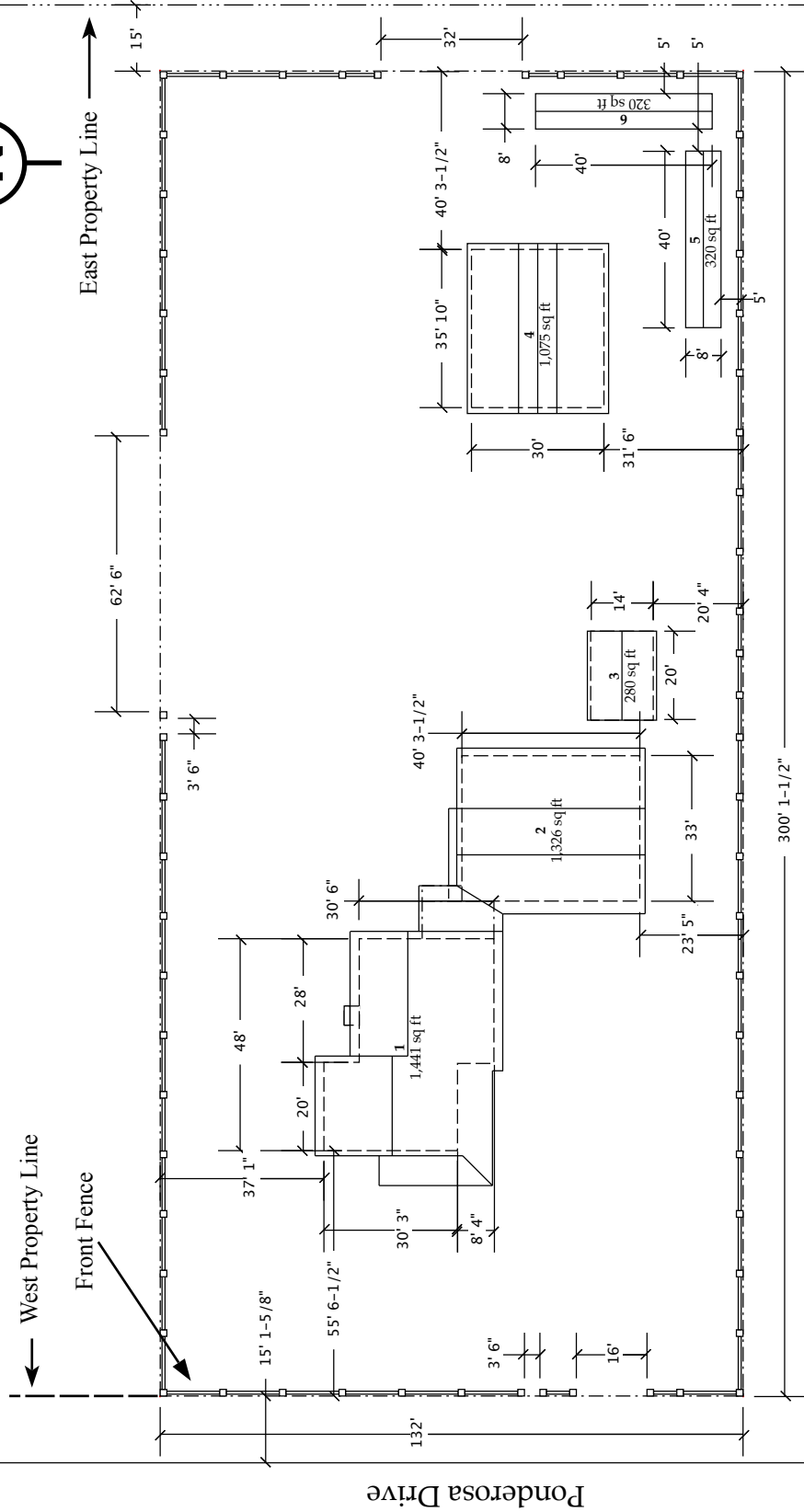
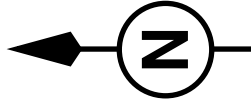
This is an application for approval of a fence exceeding 4 feet in height within the front setback area [18-B CCMC § 1.13(5)]. This fence has already been constructed and has been found by the Carson City Community Development Department to be a “high quality,” “beautiful” fence, and “an improvement to neighborhood property values,” according to the record of hearing before the Carson City Planning Commission, on March 28, 2018. Further Carson City planning staff repeatedly told the former owner that they would support this application for a Special Use Permit, which fact is affirmed by the District Attorney in Nev. S. Ct. case # 80079.



3809 Ponderosa Drive
Carson City, Nevada

3809 Ponderosa Drive, Carson City, 89701

APN 09-137-07 Zone SF1A 0.91 Acre



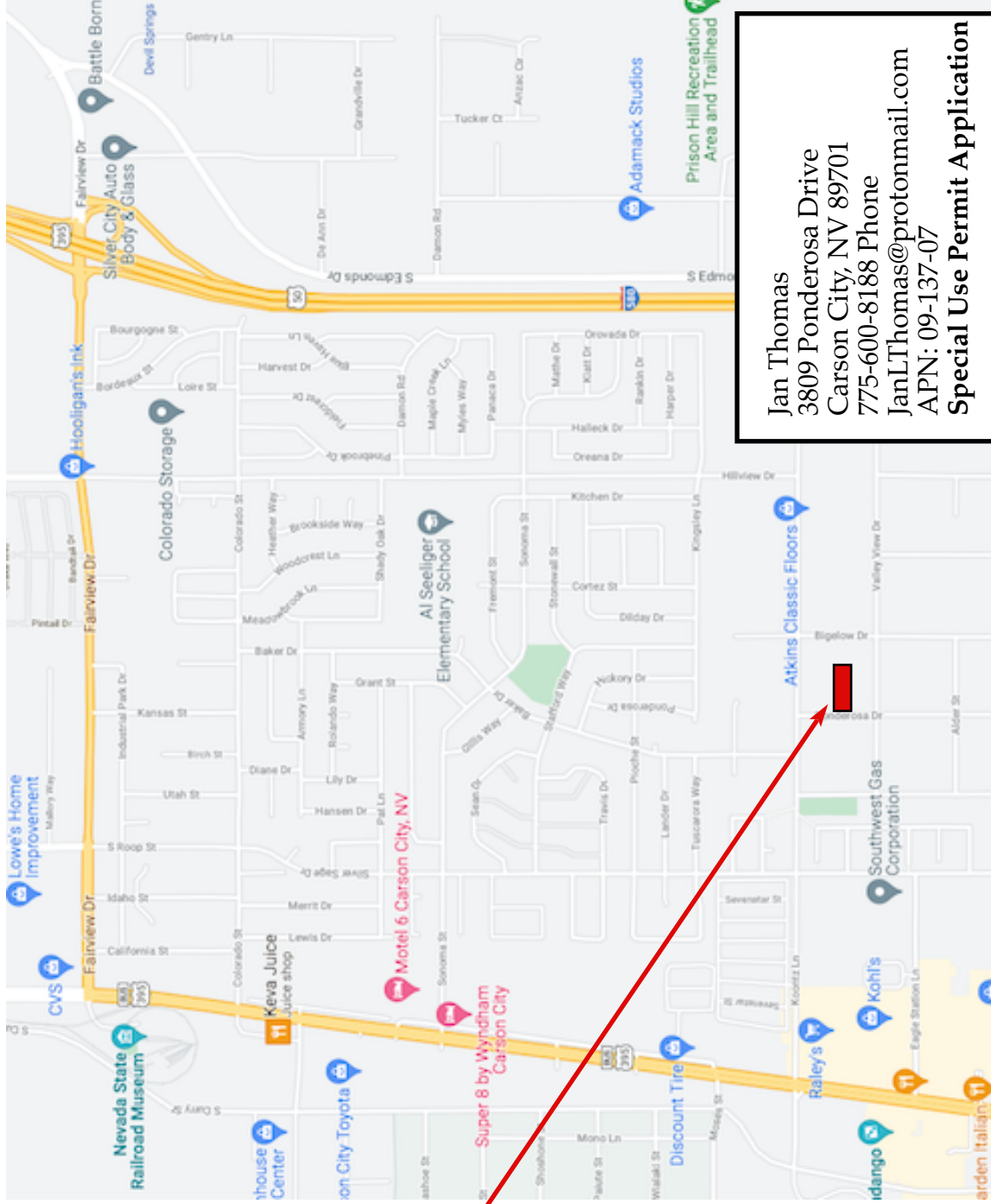
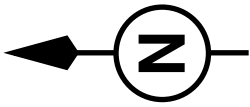
Jan Thomas
 3809 Ponderosa Drive
 Carson City, NV 89701
 775-600-8188 Phone
 JanLThomas@protonmail.com
 APN: 09-137-07
Special Use Permit Application

Existing Structures	Square Footage
1 - Main Building = 1,441 sq ft	Lot Size = 39,617 sq ft
2 - Guest Building = 1,326 sq ft	Main Building = 1,441 sq ft
3 - Storage Shed = 280 sq ft	Accessory Structure = 280 sq ft
4 - Barn/Farm Structure A = 1,075 sq ft	Accessory Farm Structures = 1,715 sq ft
5 - Temp. Farm Structure B = 320 sq ft	
6 - Temp. Farm Structure C = 320 sq ft	

3809 Ponderosa Drive, Carson City, 89701

APN 09-137-07 Zone SF1A 0.91 Acre

Vicinity Map

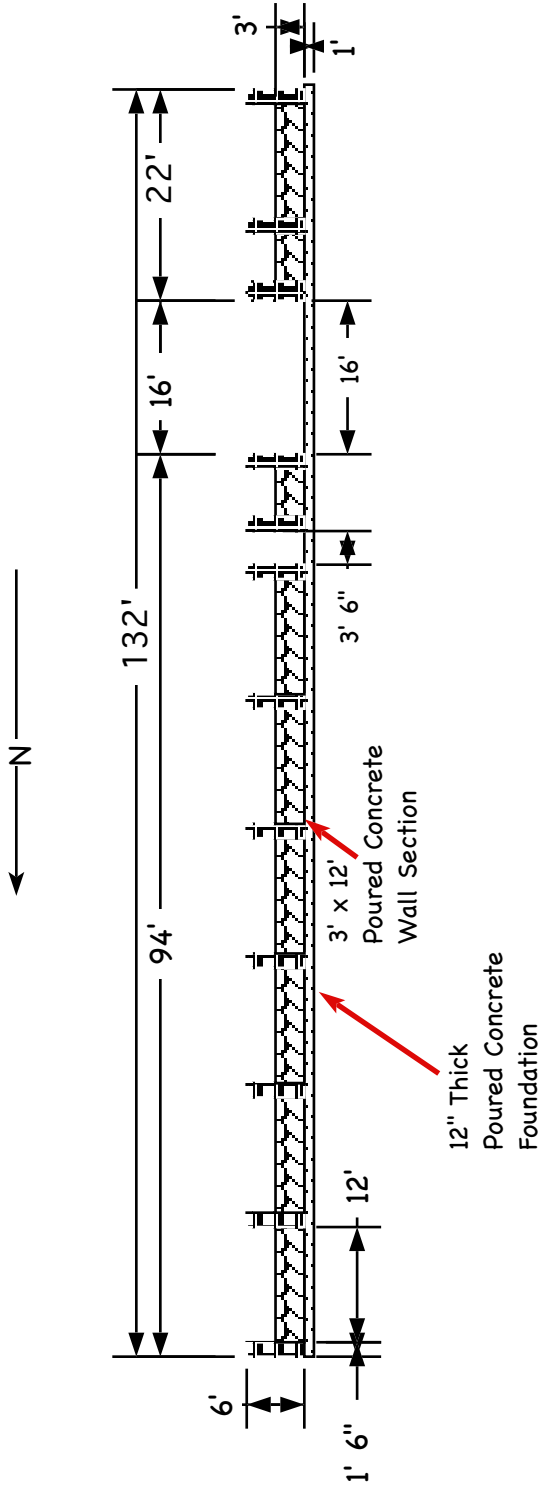


Project location
is here.

Jan Thomas
3809 Ponderosa Drive
Carson City, NV 89701
775-600-8188 Phone
JanLThomas@protonmail.com
APN: 09-137-07
Special Use Permit Application

3809 Ponderosa Drive, Carson City, 89701
 APN 09-137-07 Zone SF1A 0.91 Acre

Front (West) Fence Elevation

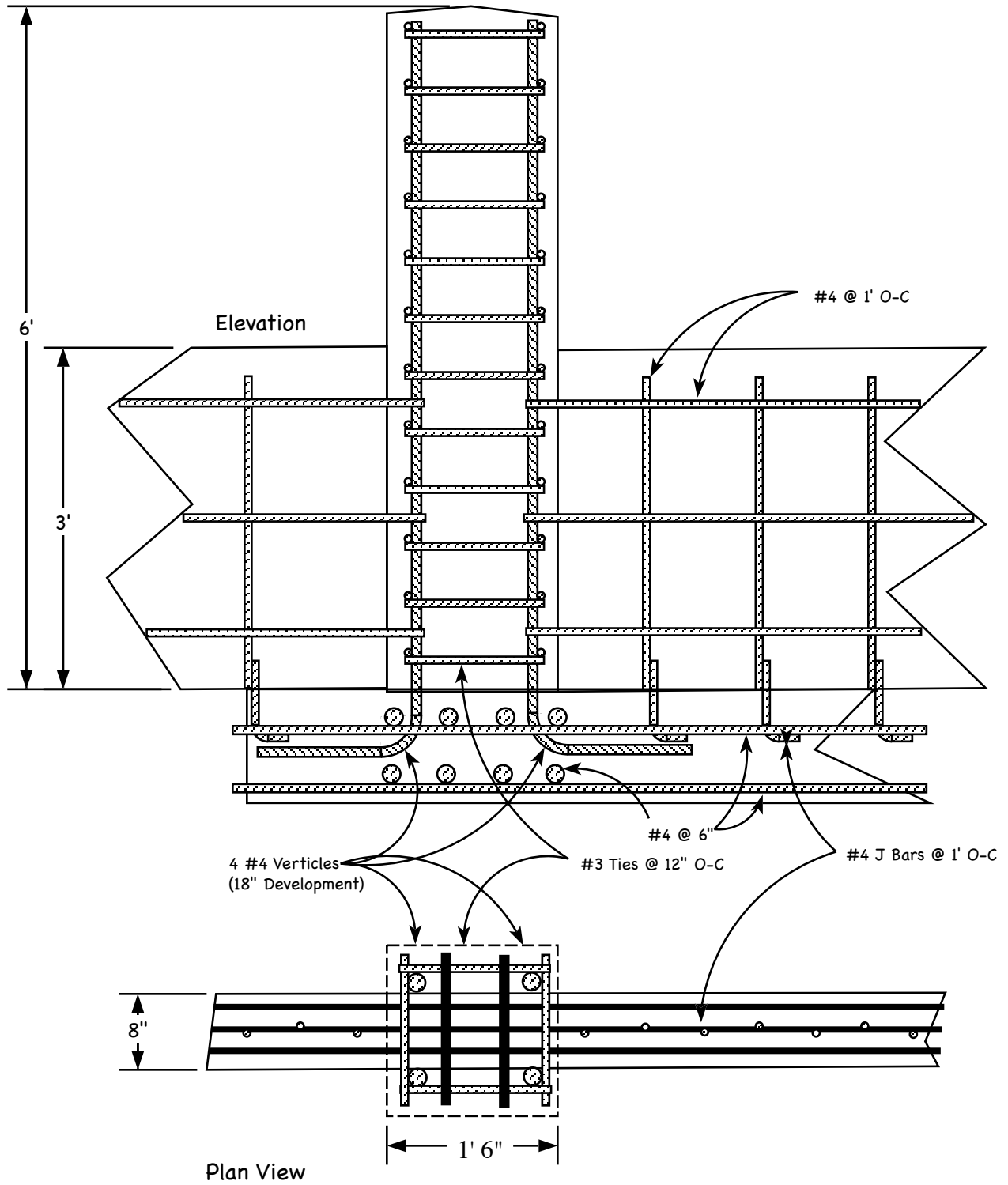


<p>Front Fence Elevations 3809 Ponderosa Drive Carson City, Nevada</p>	<p>Special Use Permit Application Janet Thomas 775-600-8188 JanLThomas@protonmail.com</p>
---	--

3809 Ponderosa Drive, Carson City, 89701

APN 09-137-07 Zone SF1A 0.91 Acre

Structural Reinforcement Detail



Perimeter Wall Details 3809 Ponderosa Drive Carson City, Nevada	Special Use Permit Application Janet L. Thomas 775-600-8188 JanLThomas@protonmail.com
---	--

APN: 09-137-07

Jan Thomas
3809 Ponderosa Drive
Carson City, NV 89701

775-600-8188 Ph.
JanLThomas@protonmail.com

RE: Special Use Permit Application for front fence in front setback area over 4 feet tall.

Important note: This fence has already been constructed and has been found by the Carson City Community Development Department to be a “high quality,” “beautiful” fence, and “an improvement to neighborhood property values,” according to the record of hearing before the Carson City Planning Commission, on March 28, 2018. Further Carson City planning staff repeatedly told the former owner that they would support this application for a Special Use Permit, which fact is affirmed by the District Attorney in Nev. S. Ct. case # 80079. Nevertheless, what follows is the applicant’s best efforts to adhere to the outline for Special Use Permit applications set forth by the City.

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

Answer: Yes.

Chpt. 3 A balanced land use pattern. Not applicable – it is just a front yard fence – see photo.

Chpt. 4 Equitable distribution of recreational opportunities. Not applicable – it is just a front yard fence – see photo.

Chpt. 5 Economic vitality. Not applicable – it is just a front yard fence – see photo.

Chpt. 6 Livable neighborhoods and activity centers. Not applicable – it is just a front yard fence – see photo.

Chpt. 7 A connected City. Not applicable – it is just a front yard fence – see photo.

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

Answer: The property is surrounded by SF1A zoned properties, and has previously been found by the Carson City Community Development Department to be a “high quality,” “beautiful” fence, and “an improvement to neighborhood property values,” according to the record of hearing before the Carson City Planning Commission, on March 28, 2018. Carson City planning staff repeatedly told the former owner that they would

Special Use Permit Application CCMC 18.02.080(5) Findings.

support this application for a Special Use Permit, which fact is affirmed by the District Attorney in Nev. S. Ct. case # 80079. Many neighbors have stopped and commented on how much they like this fence. Two new homes constructed in the last year have built similar block and iron fences over 4 feet tall, with the approval of the Community Development Department sans Special Use Permit.

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

Answer: Same answer as in “A” above, plus the fact that several nearby SF1A properties under new construction have been approved for similar block and iron fences exceeding 4 feet in height, without a Special Use Permit. However, those fences are block construction and lack the attractive varied rock pattern of this fence.

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

Answer: This fence has a positive effect on the use and peaceful enjoyment of surrounding properties and the general neighborhood. It does improve the land use of the subject property by protecting the entire yard from roaming predators (*coyotes, mountain lion, bear, and stray dogs*). It protects the garden from stray grazing animals such as deer. It allows the residents to landscape the front yard and to use the front yard. The fence has previously been found by the Carson City Community Development Department to be a “high quality,” “beautiful” fence, and “an improvement to neighborhood property values,” according to the record of hearing before the Carson City Planning Commission, on March 28, 2018. Carson City planning staff repeatedly told the former owner that they would support this application for a Special Use Permit, which fact is affirmed by the District Attorney in Nev. S. Ct. case # 80079. Many neighbors have commented on how much they like this fence. Several new homes constructed in the last year have built similar block fences with the approval of the Community Development Department but no requirement for a Special Use Permit.

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

Not applicable – it is just a front yard fence – see photo.

Special Use Permit Application CCMC 18.02.080(5) Findings.

E. Describe the proposed landscaping, including screening and arterial landscape areas (if required by the zoning code).

Not applicable – it is just a front yard fence – see photo.

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

Not applicable – it is just a front yard fence – see photo.

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

Not applicable – it is just a front yard fence – see photo.

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

Not applicable – it is just a front yard fence – see photo.

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

Not applicable – it is just a front yard fence – see photo.

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

Not applicable – it is just a front yard fence – see photo.

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

Answer: The fence as constructed has a positive effect on other property in the vicinity. It improves the land use of the subject property by protecting the entire yard from roaming predators (*coyotes, mountain lion, bear, and stray dogs*). It protects the garden from stray grazing animals such as deer. It allows the residents to plant in the front yard and to use the front yard. The fence has previously been found by the Carson City Community Development Department to be a “high quality,” “beautiful” fence, and “an improvement to neighborhood property values,” according to the record of hearing before the Carson City Planning Commission, on March 28, 2018. Carson City planning staff repeatedly told the former owner that they would support this application for a Special Use Permit, which fact is affirmed by the District Attorney in Nev. S. Ct. case # 80079. Many neighbors have stopped and commented on how much they like this fence. Several new homes constructed

Special Use Permit Application **CCMC 18.02.080(5) Findings.**

in the last year have built similar fences with the approval of the Community Development Department but no requirement for a Special Use Permit.

Application Made Under Protest! **Fee Waiver Requested**

This application and payment of the application fee is made under protest. The Community Development Department is arbitrarily discriminating against this property. They have allowed several other fences exceeding 4 feet in height to be constructed in the front setback area of neighboring SF1A properties within the last year, each of which they have inspected on multiple occasions, but did not demand a Special Use Permit of them, thus unfairly discriminating against this property. Therefore I request that the Community Development Department refund the application fee paid for this application.

Acknowledgment of Applicant

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

Date: January 20, 2022

Janet L. Thomas