

ADMINISTRATIVE PERMIT REVIEW
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An Administrative Permit Review hearing was scheduled for 11:00 a.m. on Monday, October 17, 2005 in the Building Department Conference Room, 2621 Northgate Lane, Suite 6, Carson City, Nevada.

PRESENT: Jennifer Pruitt, Hearing Examiner
Les Kynett, Applicant
Joanne Kynett, Applicant
Robert Harder, Adjacent Property Owner
Bruce Bergantz, Adjacent Property Owner
Tom Peters, Adjacent Property Owner
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

- A. CALL TO ORDER (1-001)** - Ms. Pruitt called the hearing to order at 11:00 a.m.
- B. MODIFICATION TO THE AGENDA (1-004)** - None.
- C. PUBLIC COMMENT (1-010)** - None.
- D. PUBLIC HEARING ACTION ITEMS:**

D-1. ADM-05-200 ACTION TO APPROVE A REQUEST FROM JOANNE KYNETT (PROPERTY OWNER: KYNETT, LESLIE J. AND JOANNE) TO VARY FROM THE REQUIRED SETBACK OF 10 FEET TO 9 FEET 1/8 INCHES ON THE SIDE YARD AND FROM 30 FEET TO 27 FEET 1/8 INCHES ON THE REAR YARD, ON PROPERTY ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED AT 925 AND 935 EAST FIFTH STREET, APN 004-042-24 (1-013) - Ms. Pruitt provided background information on the administrative permit review process. She advised of two concerns regarding encroachments for the stairs and for the overhang, of which Ms. Kynett had been previously advised. Ms. Pruitt advised that the subject site has a single-family dwelling of 950 square feet. The project proposes to add three apartment units in addition to the single-family dwelling, for a total of four units. Ms. Pruitt noted an additional issue having to do with the irrigation system, which also had been previously discussed with Ms. Kynett. She advised that in order for the application to go forward, additional information regarding the irrigation system would be required. She opened this item to public comment.

(1-054) Mr. Bergantz expressed opposition to the project, as proposed. He advised of conversations with Ms. Kynett, who informed him of engineering errors in drafting the plans which resulted in the variance request. He advised that specific plans were drawn for the project on the adjacent property. New code requirements, at the time, called for detention ponds which required a reduction in the originally proposed number of units. New plans were required to be drafted, and Mr. Bergantz empathized with the applicants' situation. He advised that the cost to the property owners involved in his project is documentable. He further advised that the property owners met all City codes, requirements, and recommendations in

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preparing their project. He expressed the opinion that the same should be required of any high density project. He expressed concern over encroachment into the setback. He advised of dealing with “a lot of issues” as a landlord, including noise and close proximity. He expressed a preference for 15-foot setbacks rather than 10 feet. He expressed an additional concern over maintaining the value of his property into the future, and advised that the variance would have to be disclosed if the property is ever sold.

(1-080) Mr. Harder expressed a concern over parking, and discussed the requirement for a certain number of parking places associated with each apartment unit. He suggested that increasing the density will further complicate an already difficult parking situation.

(1-090) Ms. Kynett advised of having been a real estate agent for 15 years. She expressed the belief there is no law requiring a property owner to disclose a variance on an adjacent property. She advised that density will remain the same whether or not the variance request is granted.

(1-100) Mr. Kynett expressed the opinion that the project will benefit adjacent properties with regard to value. He agreed with Ms. Kynett that there is no requirement to disclose a variance on an adjacent property. He advised that density of the three new units is allowed by ordinance. The “extra foot” will “make the apartments a little bit larger so they’re better livable.” He commended the gentlemen on their adjacent project as it improved the appearance of the block.

With regard to setbacks, Ms. Pruitt advised that requirements are 30-foot and 10-foot minimums. She explained that the Carson City Municipal Code (“CCMC”) allows for encroachments of stairwells, fireplaces, bay windows, and eaves. She advised that parking requirements in Carson City have not changed for a long time. The minimum requirement is two parking spaces per dwelling unit, and there is no criteria to require additional parking.

Ms. Pruitt advised that the administrative variance process takes opposition into account. She acknowledged the opposition from the adjacent property owners, and advised that the administrative permit would not be approved. She encouraged the Kynetts to review the encroachments allowed pursuant to the applicable provisions of the CCMC. She advised of the possibility that the units may be required to be smaller in order for the project to proceed forward. She further advised that the proposed encroachments were minor, and that similar encroachments have been approved in the past. The difference was there was no opposition. Ms. Pruitt noted, for the record, the recommendation of approval in the staff report. At the time the staff report was prepared, no opposition was known.

(1-173) Ms. Kynett advised of having visited the neighbor directly to the south of the subject property, who expressed agreement with the project. She expressed the opinion that the proposed project would, in no way, affect the adjacent property. She discussed the process by which she had attempted to get comments and input from adjacent property owners.

(1-200) Mr. Kynett requested the gentlemen to reconsider their opposition.

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(1-212) Mr. Bergantz advised that reconsideration would be a possibility. He further advised of having never been presented any plans for the project, and that the proposal was "presented as a fait accompli." He advised that this hearing was the first opportunity any of the adjacent property owners had been presented to provide any input.

Ms. Pruitt recommended denial, as the plans were presently submitted. She advised that copies of the plans would be provided to the three gentlemen. She requested the gentlemen to contact her if, within the next ten days, opposition to the project is reconsidered. If the opposition is withdrawn, she advised the project would be approved. She noted, for the record, that the primary purpose for denial was due to the opposition.

(1-245) Mr. Bergantz advised that the quality of the project was never questioned. He inquired as to the purpose for the variance. Ms. Pruitt explained that encroachments of stairwells and eaves are only allowed for certain distances pursuant to the CCMC. She suggested that a smaller building would not require such an encroachment. She reiterated the recommendation that the administrative variance should be approved, and that the only reason to recommend denial was the opposition expressed. She noted, for future reference, that the information pertinent to this hearing was a matter of public record.

(1-280) Mr. Kynett reviewed design details, and advised that reducing the units by one foot will make the garage design more difficult. In response to a question, Mr. Kynett advised that the existing structure will be remodeled to resemble the new construction.

Ms. Pruitt denied the request from Joanne Kynett, property owners: Kynett, Leslie J. and Joanne, to vary the required setback of ten feet to 9 feet 1/8 inch on side yard, and from 30 feet to 27 feet 1/8 inch on rear yard, on property zoned multi-family apartment, located at 925 and 935 East Fifth Street, APN 004-042-24, with the stipulation that staff will provide a copy of the project plans to the gentlemen present and, if by chance, the opposition is rescinded within the next ten days, the request will be approved. If not, the denial will stand.

E. ADJOURNMENT (1-329) - Ms. Pruitt adjourned the hearing at 11:27 a.m.

The minutes of the October 17, 2005 Administrative Permit Review hearing are so approved this _____ day of February, 2006.

JENNIFER PRUITT, Hearing Examiner