

STAFF REPORT FOR PLANNING COMMISSION MEETING OF MAY 27, 2015

FILE NO: VAR-15-022

AGENDA ITEM: F-1(A)

STAFF AUTHOR: Kathe Green, Assistant Planner

REQUEST: Approval of a Variance to reduce the required lot size from one acre to 0.51 acre for 4227 Ponderosa Drive and to reduce the required rear-yard setback from 30 feet to 0 feet for an existing 288 square foot shed and from 30 feet to 16 feet for an existing 42 square foot shed, and for 4151 Ponderosa Drive to reduce the required rear-yard setback from 30 feet to 18 feet for an existing barn to accommodate a lot line adjustment on property zoned Single Family One Acre (SF1A).

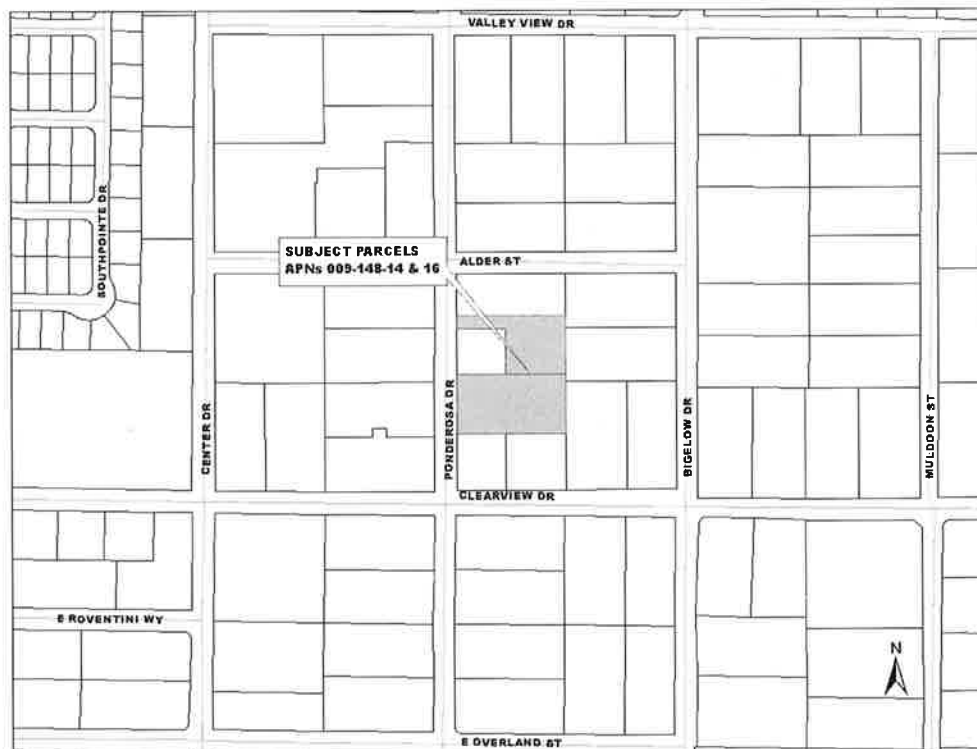
OWNER: Albert and Bonnie Replogle

APPLICANT: Albert and Bonnie Replogle

LOCATION: 4151 and 4227 Ponderosa Drive

APNs: 009-148-14 and -16

RECOMMENDED MOTION: "I move to approve VAR-15-022, a Variance request to reduce the lot size from one acre to .51 acre and to reduce the required rear-yard setback from 30 feet to 0 feet for an existing 288 square foot shed and from 30 feet to 16 feet for an existing 42 square foot shed, and for 4151 Ponderosa Drive to reduce the required rear-yard setback from 30 feet to 18 feet for an existing barn to accommodate a lot line adjustment, on APNs 009-148-14 and -16, in Single Family 1 Acre zoning, 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 and commence the use (obtain and maintain a valid building permit and complete the Lot Line Adjustment) 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. Secure or provide required building permits for all accessory structures on the parcels.
6. All structures within five feet of a property line must have a one hour fire rating between property line and structure wall in accordance with International Residential Code Table 302.1(1). This would require a building permit. At the property line, the structure must have a one hour wall (5/8 Type X sheet rock) on the inside, with no overhang beyond the new created property line. This would require a building permit.
7. All projects and improvements must be performed in accordance with Nevada State Revised Statute (NRS) 623 & 624 and Carson City Municipal Code (CCMC) 15.05.020.
8. Repairs, Replacement, and Alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical code, 2012 Fuel Gas Code, 2011 Electrical Code, Adopted International Energy Conservation Code, and 2012 Northern Nevada Amendments.
9. All Contractors are required to carry State and local license.
10. Project must comply with 2012 FIC and Northern Nevada Amendments.

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

MASTER PLAN DESIGNATION: Low Density Residential

ZONING DISTRICT: Single Family 1 Acre (SF1A)

KEY ISSUES: Are there unique circumstances applicable to the subject properties to justify the need for the reduction in parcel size and rear yard setbacks in this instance?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Single Family 1 Acre (SF1A)/Single Family Residence

SOUTH: Single Family 1 Acre (SF1A)/Single Family Residence

EAST: Single Family 1 Acre (SF1A)/Single Family Residence
WEST: Single Family 1 Acre (SF1A)/Single Family Residence

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: X, areas of minimal flooding

SLOPE/DRAINAGE: The site is flat

SOILS: 61 Surprise gravelly sandy loam, 0-2 percent slopes

SITE DEVELOPMENT INFORMATION:

PARCEL AREAS CURRENT SIZE: .71 acre and 1.13 acre

PARCEL AREAS PROPOSED TO BE MODIFIED:

APN 009-148-14, 4227 Ponderosa Drive proposed to be reduced from 1.13 acre to 0.51 acre

APN 009-148-16, 4151 Ponderosa Drive proposed to be increased from .71 acre to 1.34 acres

EXISTING LAND USE: Residential

PROPOSED STRUCTURES: None

REQUIRED SETBACKS: front 30 feet, side 15 feet and rear 30 feet.

SETBACK PROPOSED TO BE MODIFIED:

Rear: (APN 009-148-14, 4227 Ponderosa Drive) to zero for existing 288 square foot detached accessory structure and 16 feet for existing 42 square foot detached accessory structure.

Rear: (APN 009-148-16, 4151 Ponderosa Drive) to 18 feet for existing detached accessory barn.

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.

These two parcels of property are located in the Single Family 1 Acre zoning district. Both properties have the same ownership. The parcel at 4151 Ponderosa is presently non-conforming, in that it is less than one acre in size at .71 acre and has one detached accessory structure which does not meet the required rear setback area. This application is a request to allow a proposed lot line adjustment to modify the size of the parcels so that one parcel remains non-conforming in size at .51 acre, and to allow the existing detached accessory structures on the sites to remain or become non-conforming within the rear setback. In order to proceed with the Lot Line Adjustment process, the applicant is required to apply for a variance to allow lot size less than one acre.

The proposed lot line adjustment would pivot the lot line south along the southern property line of 4151 Ponderosa at the southwestern corner boundary, increasing the size of 4151 Ponderosa to 1.34 acres while decreasing the size of 4227 Ponderosa to .51 acre. As a result of this adjustment, two accessory structures at 4227 Ponderosa which presently conform to the rear setback would then be non-conforming with one at the property line and one approximately 16 feet from the property line. The property at 4227 Ponderosa conforms regarding the size of detached accessory structures related to the size of the primary structure, both before and after the proposed lot line adjustment. It is noted the front setback at 4151 Ponderosa should be 30 feet on the site plan and the barn within the rear setback is exempt from review under Title 18.05.050, Accessory Farm Structures. The primary structure at 4151 Ponderosa is actually 2,416 square feet. Setback dimensions are scaled for the distance to the property lines, but were not shown on the site plan

Since the application for the Variance must be reviewed and approved by the Planning Commission, the Administrative Permit is also being submitted to the Planning Commission for concurrent review rather than scheduling a separate hearing date for the Administrative Permit review.

This application for a Variance and separate but concurrent Administrative Permit (ADM-15-037) is in preparation of a proposed Lot Line Adjustment application which will be submitted for review and approval by Staff if this application is approved by the Planning Commission. It is noted the dimensions of both lots will meet the minimum and maximum length and width regulations without the requirement for additional review or modification during the Lot Line Adjustment process. In reviewing the information provided by the applicant and the required findings as identified below, the findings to grant approval of this Variance can be made. Therefore, it is recommended that the Planning Commission approve this Variance application.

PUBLIC COMMENTS: Public notices were mailed on May 8, 2015 to 30 adjacent property owners within 400 feet of the subject site pursuant to the provisions of NRS and CCMC. No comments or concerns have been received in favor or opposition to this proposal. 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:

1. All structures within five feet of a property line must have a one hour fire rating between property pine and structure wall in accordance with International Residential Code Table 302.1(1). This would require a building permit.
2. At the property line, the structure must have a one hour wall (5/8 Type X sheet rock) on the inside, with no overhang beyond the new created property line. This would require a building permit.
3. All projects and improvements must be performed in accordance with Nevada State Revised Statute (NRS) 623 & 624 and Carson City Municipal Code (CCMC) 15.05.020.
4. Repairs, Replacement, and Alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical code, 2012 Fuel Gas Code, 2011 Electrical Code, Adopted International Energy Conservation Code, and 2012 Northern Nevada Amendments.
5. All Contractors are required to carry State and local license.

Engineering Division:

No concerns

Fire Department:

Project must comply with 2012 FIC and Northern Nevada Amendments

Environmental Control:

No concerns

Health and Human Services:

No concerns

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.**

One property is unique, in that it is a flag lot with a very narrow entrance to access the parcel. This would be the larger parcel after the proposed Lot Line Adjustment is completed. This parcel is also presently non-conforming, in that the size is currently .71 acre in the Single Family 1 Acre zoning district. In addition, there are several other parcels in the immediate vicinity which are also less than the standard size of one acre. On this block of ten parcels, only four are at least one acre in size, while six are less than one acre, the three smallest being .38 acre, .48 acre and .58 acre. These small parcels are adjacent (one north and two south) to the parcel which would become .51 acre in size.

There is also a special circumstance in that no new development is proposed on the site and no increase in non-conforming parcels is proposed. The non-conforming existing barn and two sheds regarding the required 30 foot rear setback would become legally non-conforming as a result of approval of this Variance in preparation of the lot line adjustment.

After approval of a Lot Line Adjustment, a trade of non-conformity regarding size would take place with these two parcels upon approval of a proposed Lot Line Adjustment.

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

The applicant is proposing to adjust one lot line to change a non-conforming parcel to conforming and change a conforming parcel to non-conformity. No new parcels or structures are proposed. The resulting parcels would be similar to other parcels in the immediate vicinity, as six of the ten parcels on this block are non-conforming for size. Both parcels are owned by the same party. No changes affecting other property owners in the vicinity are proposed. The appearance of the properties will not change, other than possible placement or removal of fences along property lines.

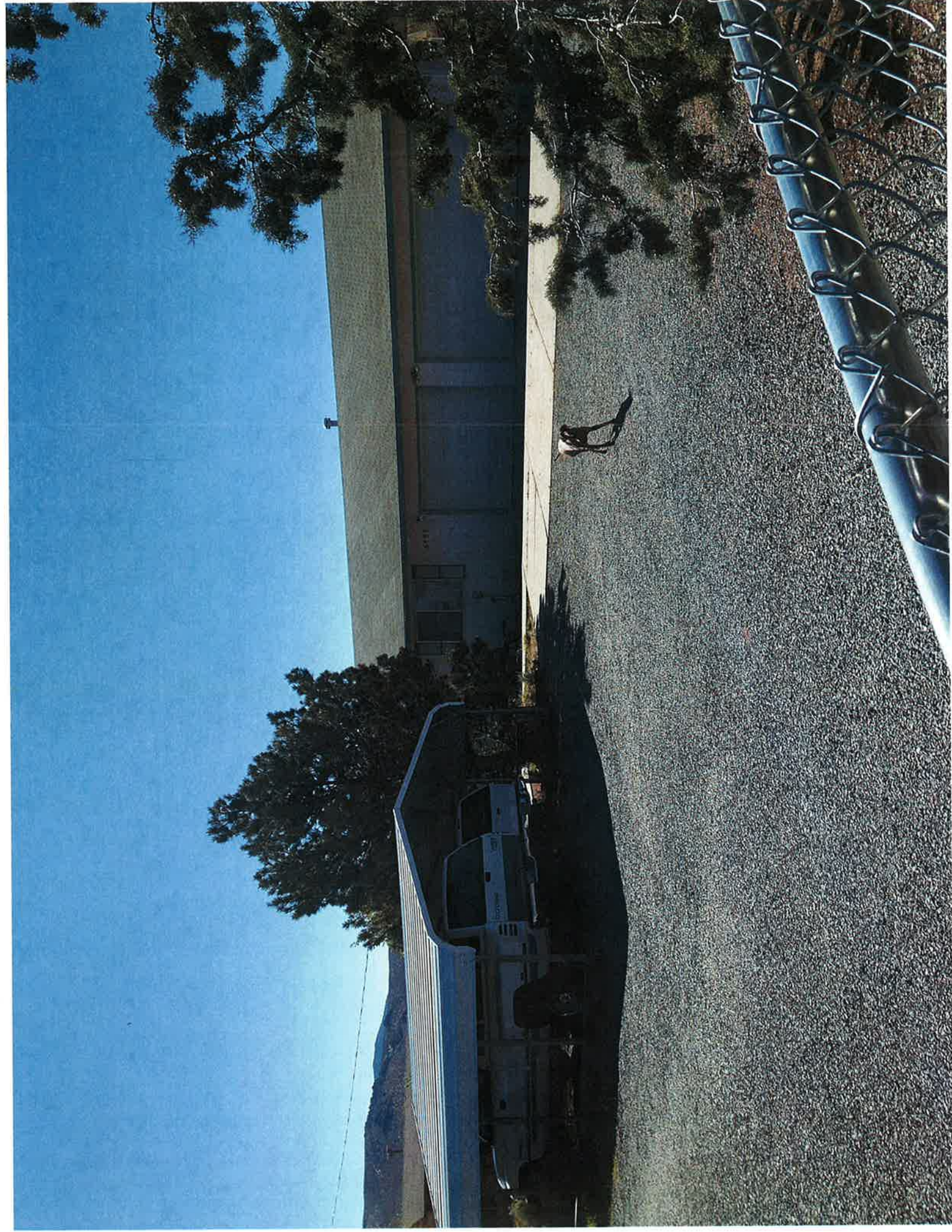
- 3. That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.**

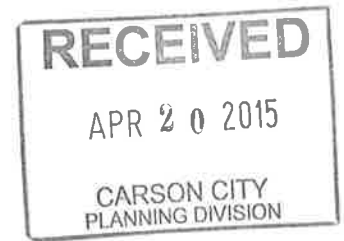
The granting of the Variance, with the recommended conditions of approval, will not adversely affect the health and safety of persons residing or working in the neighborhood and will not be materially injurious to properties or improvements in the vicinity. The adjustment of a single property line, creating a larger and smaller parcel as well as allowing existing detached accessory structures to remain on the site near or at the rear property lines will not alter the appearance of the parcels from the street. The modification of the parcel line is in the central portion of the block and would not be visible or apparent from other properties, other than the possible placement or change of location of fence lines. The lot sizes would be comparable and compatible with other development in the immediate vicinity and will not be out of character with the appearance of other properties on this block or in this vicinity.

Attachments:

Site Photos
Building Comment
Engineering Comment
Fire Comment
Environment Control Comment
Health Comment
Application (VAR-15-022)







April 20, 2015

Comments on #VAR-15-022:

1. All structure within 5 feet of a property line must have 1 hour fire rating between Property Line and structure wall in accordance with International Residential Code Table 302.1(1). This would require a building permit.
2. At the property line, the structure would have to have a 1 hour wall (5/8 Type X sheet rock) on the inside. No overhang beyond the new created property line. This would require a building permit.
3. All projects and improvements must be performed in accordance with Nevada State Revised Statute (NRS) 623 & 624 and Carson City Municipal Code (CCMC) 15.05.020.
4. Repairs, Replacement, and Alterations must comply with 2012 International Building Codes, 2012 Uniform Plumbing Code, Uniform Mechanical Code or 2012 International Mechanical code, 2012 Fuel Gas Code, 2011 Electrical Code, Adopted International Energy Conservation Code, and 2012 Northern Nevada Amendments.
5. All Contractors are required to carry State and local license.

Thanks.

Shawn Keating

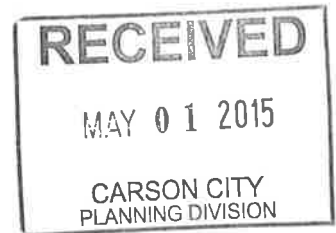
Chief Building Official
Carson City Community Development
108 E. Proctor Street
Carson City, NV 89701

Main 775-887-2310

FAX 775-887-2202

Shawn Keating CBO

Building Official
Carson City Community Development Department
Office 775-887-2310
Fax 775-887-2202
Cell 775-230-6623
skeating@carson.org



**Carson City Development Engineering
Planning Commission Report
File Number VAR-15-022**

TO: Planning Commission

FROM: Rory Hogen, E.I.

DATE: March 30, 2015

MEETING DATE: April 29, 2015

SUBJECT TITLE:

Action to consider a Variance application from property owner Albert Replogle for building setback requirements in order to do a Lot Line Adjustment at 4151 Ponderosa Dr, apns 09-148-14 and 16.

RECOMMENDATION:

Development Engineering has no objection to the variance request.

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 (5c) - Adverse Affects to the Public

The Engineering Division finds 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 not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the project.

April 28, 2015

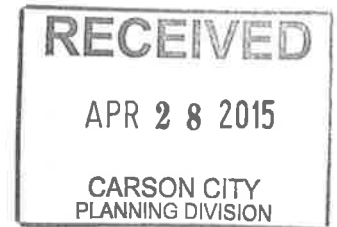
VAR 15-022 comments:

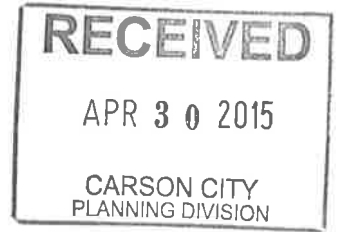
1. Project must comply with 2012 IFC and Northern Nevada Amendments.

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





April 28, 2015

Major Project Review Committee

Re: # VAR – 15- 022

Dear Kathe,

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for the VAR – 15 – 022 4151& 4227 Ponderosa Dr request:

1. ECA has no comments concerning this request.

Please notify Mark Irwin if you have any questions regarding these comments, I can be reached at 775-283-7380.

Sincerely;

Mark Irwin
Environmental Control Officer 3

c: Kelly Hale, Environmental Control Supervisor

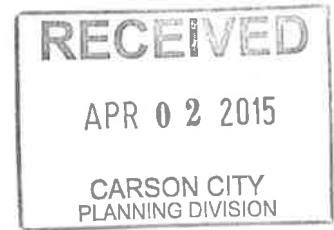
April 2, 2015

Carson City Health and Human Services

VAR 15-022

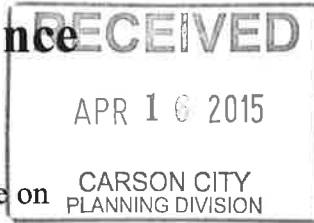
No concerns with the application as submitted.

Dustin Boothe, MPH, REHS
Carson City Health and Human Services
900 E. Long St.
Carson City, NV 89706
(775) 887-2190 ext. 7220



Project Description & Findings for Variance

VAR 15 022



Project Description:

The applicant currently owns two properties that share a common property line on Ponderosa Drive. The properties are:

- 4151 Ponderosa Drive (APN: 009-148-16); and
- 4227 Ponderosa Drive (APN: 009-148-14).

4151 Ponderosa Drive is currently 0.71 acres in size. The property is classified as a “flag lot” meaning that access to a public street is by a 35’ X 135’ strip of land that leads from Ponderosa Drive to the 165’ X 160’ main body of the property. The property currently has a 1,392 square foot (“sq. ft.”) single family residence as well as three detached accessory structures (a 960 sq. ft. garage, a 378 sq. ft. carport and a 448 sq. ft. barn). The existing detached garage is located within the 15-foot side yard setback, but was reviewed and approved through a building permit. As such, the garage is classified as a legal non-conforming structure and can remain as is. The existing carport is located north of the existing single family residence, but outside of the rear and side yard setbacks. The barn is located east of the residence and is located within the 30-foot rear yard setback.

4227 Ponderosa Drive is currently 1.13 acres in size. This property is rectangular in shape with dimensions of 165’ X 300’. This property currently has a 1,902 sq. ft. single family residence and an attached 480 sq. ft. garage. There are three detached accessory structures on this property (a 42 sq. ft. shed, a 288 sq. ft. shed and a 420 sq. ft. shed). All of the existing sheds on 4227 Ponderosa Drive are located outside of the required rear and side yard setbacks in the existing lot’s current configuration.

The applicant proposes to process a boundary line adjustment between the two properties. The southern property line for 4151 Ponderosa Drive would essentially pivot at its current southwest corner, swinging south and west to tie onto what is now the current southern property line of 4227 Ponderosa Drive. The boundary line adjustment would increase the size of 4151 Ponderosa Drive from 0.71 acre to 1.34 acres while reducing 4227 Ponderosa Drive from 1.13 acres to 0.51 acre.

The variance application is to address the following items:

- To allow a boundary line adjustment to create a 0.51 acre lot in the SF1A zoning district where a minimum lot size of 1 acre is required at 4227 Ponderosa Drive;
- To allow an existing 288 sq. ft. detached accessory structure and a 42 sq. ft. detached accessory structure to be within the rear yard setback at 4227 Ponderosa Drive; and
- To allow existing 448 sq. ft. detached accessory structure (barn) to remain within the side and rear yard setbacks established for the SF1A zoning district at 4151 Ponderosa Drive.

With the proposed lot line adjustment, 4151 Ponderosa Drive would absorb approximately 27,225 square feet from 4227 Ponderosa Drive, expanding in size from 0.714 acre to 1.339 acres. 4227 Ponderosa Drive would be reduced from 1.13 acres to approximately 0.505 acre. The current zoning designation on the subject property is

Project Description & Findings for Variance

SF1A (Single Family – 1 acre). The SF1A zoning designation requires a minimum lot size of 1 acre per dwelling unit. However, the Master Plan Land Use Designation for the subject property and surrounding properties is Low Density Residential (0.2 – 3 du/ac or 5 – 0.33 ac/du) which indicates that during the last Master Plan update, the general public, Planning Commission and Board of Supervisors supported a range of minimum lot sizes in this area ranging from 5 acres per dwelling unit to as small as 0.33 acre per dwelling unit.

Within the immediate area (i.e., the 31 lots within the blocks bordered by Clearview Drive, Center Drive, Valley View Drive and Bigelow Drive), the existing parcel sizes range from 2.906 acres to 0.38 acre in size, with only 3 parcels larger than 1 acre in size, 15 parcels at or just slightly over 1 acre and the remaining 12 parcels less than the minimum lot size requirement of 1 acre per dwelling unit. Immediately adjacent to the subject parcels are the smallest parcels: Parcel 12 (0.587 acre), Parcel 13 (0.48 acre) and Parcel 15 (0.38 acre). When observing the surrounding adjacent properties within the same block as the subject property (bordered by Ponderosa Drive, Alder Street, Bigelow Drive and Clearview Drive), the current lot sizes range from 1.13 acres to 0.38 acre. Given the surrounding lot size ranges, none of the surrounding property owners would be negatively impacted as a result of the boundary line adjustment creating a lot not in conformance with the SF1A 1-acre minimum lot size requirement.

The Carson City Development Code also has required setbacks for accessory buildings from property lines. However the regulations in the Carson City Development Code do not allow detached accessory structures to be located within the required side and rear yard setbacks in the SF1A zoning district.

The SF1A development standards call out the following minimum lot dimensions:

- Front setback: 30
- Rear setback: 30
- Side yard setback: 15

With the proposed boundary line adjustment to 4151 Ponderosa Drive, the six existing detached accessory structures need to be reviewed for compliance with the Carson City development regulations.

Three existing detached accessory structures are not a part of the variance request as they are located outside of the SF1A rear and side yard setbacks. As noted above, the existing 960 sq. ft. detached garage at 4151 Ponderosa Drive located west of the single family residence is located within the 15-foot side yard setback. However that structure is a legal non-conforming structure since a building permit was issued approving its construction in its current location. A 378 sq. ft. carport is located north of the existing single family residence. The carport is located outside of the required side and rear building setbacks and as such does not need to be included as a part of the variance request. With the relocation of the boundary line between 4151 and 4227 Ponderosa Drive a 420 sq. ft. detached accessory structure will be absorbed into the reconfigured 4151 Ponderosa

Project Description & Findings for Variance

Drive. This shed is located outside of the rear and side yard building setbacks and also does not need to be included as a part of the variance application.

A 448 sq. ft. detached accessory structure (barn) is located within the required 30-foot rear yard setback on the eastern portion of 4151 Ponderosa Drive. Carson City Code Section 18.05.055 – Accessory Structures has an exemption for Accessory Farm Structures in the overall square footage limitations, but does not speak to any setbacks exemption. Thus the variance application includes the 448 sq. ft. barn located within the required 30-foot rear yard setback as well.

As a result of the proposed boundary line adjustment, 4227 Ponderosa Drive will have two existing detached accessory structures become non-conforming. A 288 sq. ft. detached accessory structure and a 42 sq. ft. detached accessory structure will both become non-conforming with the required 30-foot rear yard setback. The 42 sq. ft. shed will remain and as 4227 Ponderosa Drive is zoned SF1A, this shed will need approval of this variance to remain in place. The 288 sq. ft. shed will abut the relocated property line as a result of the boundary line adjustment. The applicant is aware that if the variance is approved to allow this shed to remain in place, the building elevation abutting the property line would need to comply with the building code requirements for construction or property line separation. If not approved as a part of the variance request, the 288 sq. ft. shed would be removed.

All of the detached accessory structures exist today. All of the surrounding property owners are aware of the detached accessory structures. None of the surrounding property owners are negatively impacted by the existing detached accessory structures.

When the combined square footage of the existing detached accessory structures is compared to the square footage of primary residence square footage, the amount of accessory structure square footage exceeds 75% of the primary structure's square footage. The Carson City Development Code requires a Special Use Permit review and approval to allow for such a situation and an application is being processed concurrently with this variance request.

Findings:

Special circumstances or conditions applying to the property under consideration which exist making compliance with the provisions of this title difficult and cause a hardship to, and abridgment of a property right of the owner of the property, and describe how such circumstances or conditions do not apply generally to other properties in the same land use district and explain how they are not self-imposed.

The property is unique in that it is a flag lot, taking access from Ponderosa Drive via a 35-foot wide, 135-foot long access strip. This has the effect of reducing the overall area available to use for the residence and accessory structures. The special circumstances or conditions applying to the subject site are the existing non-conformities of the surrounding SF1A-zoned properties as illustrated by the variety of lot sizes less than 1

Project Description & Findings for Variance

acre and the similarly non-conforming detached accessory structures within the general area of the subject site. To apply the required minimum lot size and the detached accessory structure setback standards would create a hardship and an abridgment to the property owner that has not been applied to the surrounding properties.

Granting of the variance is necessary to do justice to the applicant or owner of the property without extending any special privilege to them.

The variance request is necessary to allow for the expansion of 4151 Ponderosa Drive and reduction of 4227 Ponderosa Drive as opposed to rezoning the area to reflect the actual development that has occurred. As noted above, the region has many parcels that do not comply with the minimum lot size of 1 acre per dwelling unit as well as detached accessory structures that do not comply with the required property line setbacks. In looking at the development pattern of the surrounding area, approval of the variance request will not extend any special privilege to the applicant already not enjoyed by surrounding property owners.

Granting of the variance request may or may not result in any actual damage to nearby properties or prejudice by your neighbors in a precedent-setting situation. State why the variance will not be harmful to public health, safety and general welfare.

The granting of the variance will not result in any actual damage to nearby properties or prejudice by the neighbors in a precedent-setting situation as several of the adjacent parcels are equal to or smaller than the parcels resulting from the proposed variance and lot line adjustment. The variance requested will not negatively impact the public health, safety or general welfare as many of the surrounding properties have similar lot sizes and similarly placed detached accessory structures. The proposed variance and lot line adjustment will not create a negative impact on the air and light, water or sewage disposal, or materially impact any of the surrounding properties as it will reflect current conditions within the immediate area.

RECEIVED
MAR 19 2015
CARSON CITY
PLANNING DIVISION

VAR - 15 - 022

PONDEROSA DRIVE VARIANCE



Prepared by:



March 19, 2015

PONDEROSA DRIVE VARIANCE

Prepared for:

Albert Replogle

PO Box 2676

Carson City, Nevada 89702

Prepared by:

Rubicon Design Group, LLC

100 California Avenue, Suite 202

Reno, Nevada 89509

(775) 425-4800

March 19, 2015

PONDEROSA DRIVE VARIANCE

Table of Contents

Introduction	1
Project Location	1
Project Request.....	2
Variance Findings.....	6

List of Figures:

Figure 1 – Vicinity Map	1
Figure 2 – Existing Parcel Configurations.....	3
Figure 3 – Preliminary Site Plan	5

Appendices:

Carson City Variance Application
Applicant’s Acknowledgement Statement
Property Tax Documentation (original only)

Map Pocket:

Preliminary Site Plan

PONDEROSA DRIVE VARIANCE

Introduction

This application includes the following request:

- A **Variance** to allow a reduction in lot size within the SF1A zoning district from one-acre minimum to 0.505 acres and allow for reduction in required minimum front, side, and rear setbacks for detached accessory structures.

Project Location

The project site is located on the east side of Ponderosa Drive between Clearview Drive and Alder Street. The site specific address is 4151 Ponderosa Drive. There are two parcels included in the Variance request (APN 09-148-14 and 16) totaling 1.844± acres. Figure 1 (below) depicts the project location.

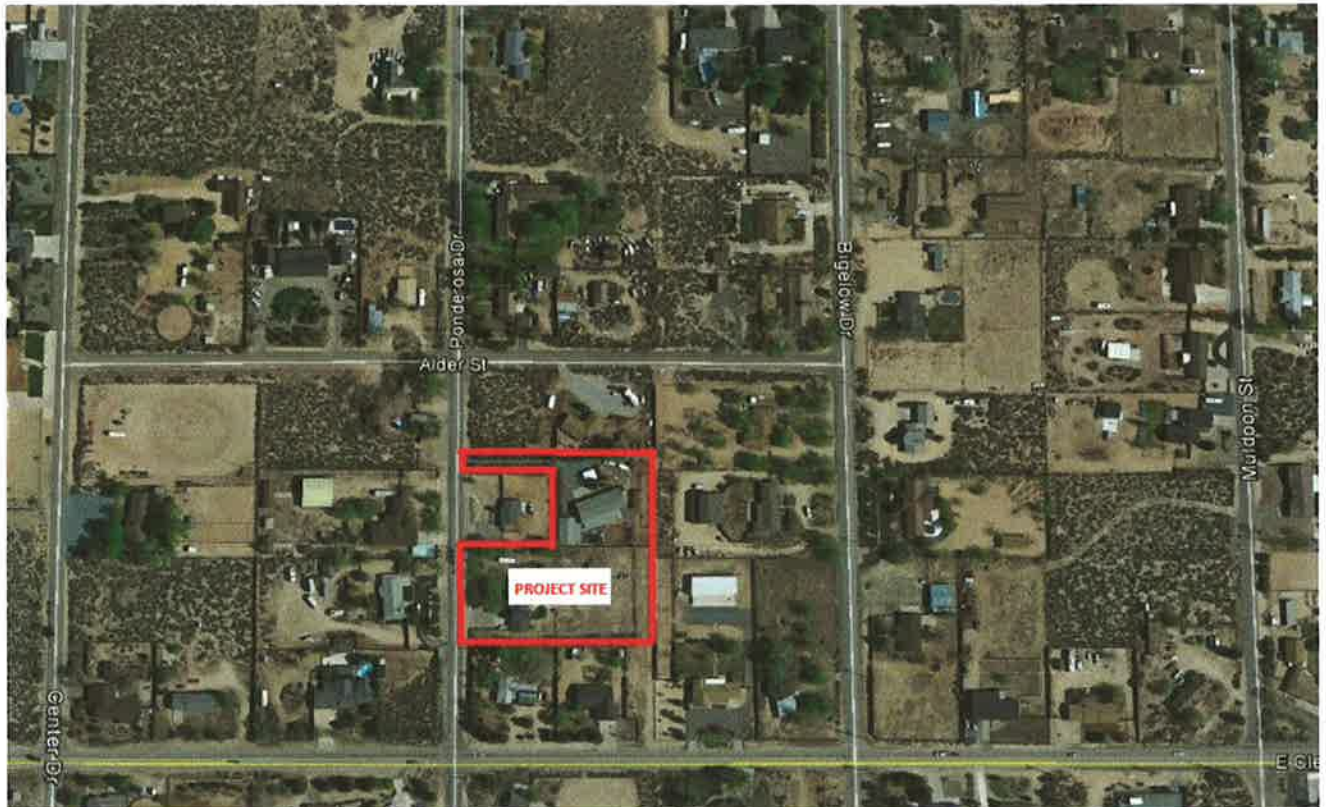


Figure 1 – Vicinity Map

PONDEROSA DRIVE VARIANCE

Project Request

A Variance to the minimum allowed lot size is being requested with this application. This request is the result of a boundary line adjustment being proposed by the property owner and will not impact the overall density within the neighborhood.

The current zoning designation on the subject property is SF1A (Single Family – 1 acre). The SF1A zoning designation requires a minimum lot size of 1 acre per dwelling unit. However, the Master Plan Land Use Designation for the subject property and surrounding properties is Low Density Residential (0.2 – 3 du/ac or 5 – 0.33 ac/du) which indicates that during the last Master Plan update, the general public, Planning Commission, and Board of Supervisors supported a range of minimum lot sizes in this area ranging from 5 acres per dwelling unit to as small as 0.33 acre per dwelling unit.

Within the immediate area (i.e., the 31 lots within the blocks bordered by Clearview Drive, Center Drive, Valley View Drive and Bigelow Drive), the existing parcel sizes range from 2.906 acres to 0.38 acre in size, with only three parcels larger than 1 acre in size, fifteen parcels at or just slightly over 1 acre and the remaining twelve parcels less than the minimum lot size requirement of 1 acre per dwelling unit. Immediately adjacent to the subject parcels are the smallest parcels: Parcel 12 (0.587 acre), Parcel 13 (0.48 acre) and Parcel 15 (0.38 acre). When observing the surrounding adjacent properties within the same block as the subject property (bordered by Ponderosa Drive, Alder Street, Bigelow Drive and Clearview Drive), the current lot sizes range from 1.13 acres to 0.38 acre. Figure 2 (following page) depicts the existing parcels, including sizes, within the neighborhood.

The SF1A development standards call out the following minimum lot dimensions:

- Minimum Lot Width: 120 feet
- Minimum Lot Depth: 360 feet

With the proposed lot line adjustment, Parcel 16 will absorb approximately 27,225 sq. ft. from Parcel 14, expanding in size from 0.714 acre to 1.339 acres. Parcel 14 will be reduced from 1.13 acres to approximately 0.505 acre. The variance application is requesting a waiver from the minimum 1 dwelling unit per acre standard as called out in the SF1A development standards.

PONDEROSA DRIVE VARIANCE

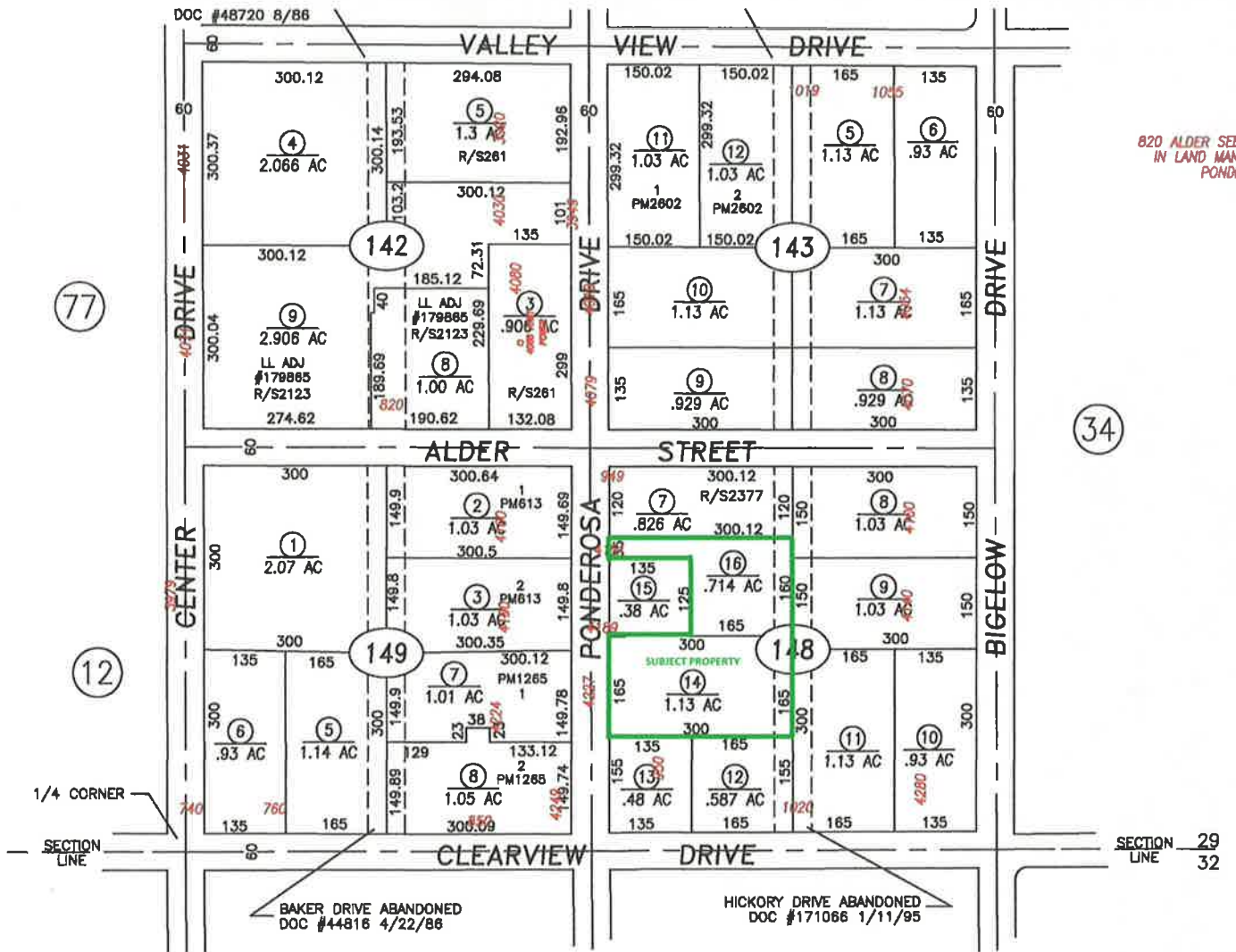


Figure 2 – Existing Parcel Configurations

PONDEROSA DRIVE VARIANCE

The proposed lot line adjustment creates certain non-conformance issues. While the minimum lot depth for SF1A is 360 feet, the resulting lot depth for Parcel 14 would be reduced from 300 feet to approximately 135 feet and the lot depth for Parcel 16 would be increased from 160 feet to 325 feet. Both lot depths would not be in conformance with the current SF1A development standards. However, Parcels 12 and 13 located adjacent to the subject site have a lot depth of 155 feet, while Parcel 15 has a lot depth of 135 feet. The proposed lot line adjustment would result in lot depths that are comparable to the existing parcels adjacent to the subject site.

The Carson City Development Code also has required setbacks for accessory buildings from property lines:

- Accessory structures less than 120 square feet ("sq. ft.") and less than 15 feet in height may be located within the required side and rear zoning setbacks as long as the roof eaves are at least 3 feet from the property line.
- Accessory structures larger than 120 sq. ft., but less than 400 sq. ft. and under 15 feet in height may be located within the required zoning setbacks as long as the structure is 5 feet from the property lines.
- Accessory structures larger than 400 sq. ft. must comply with the standard zoning setbacks.

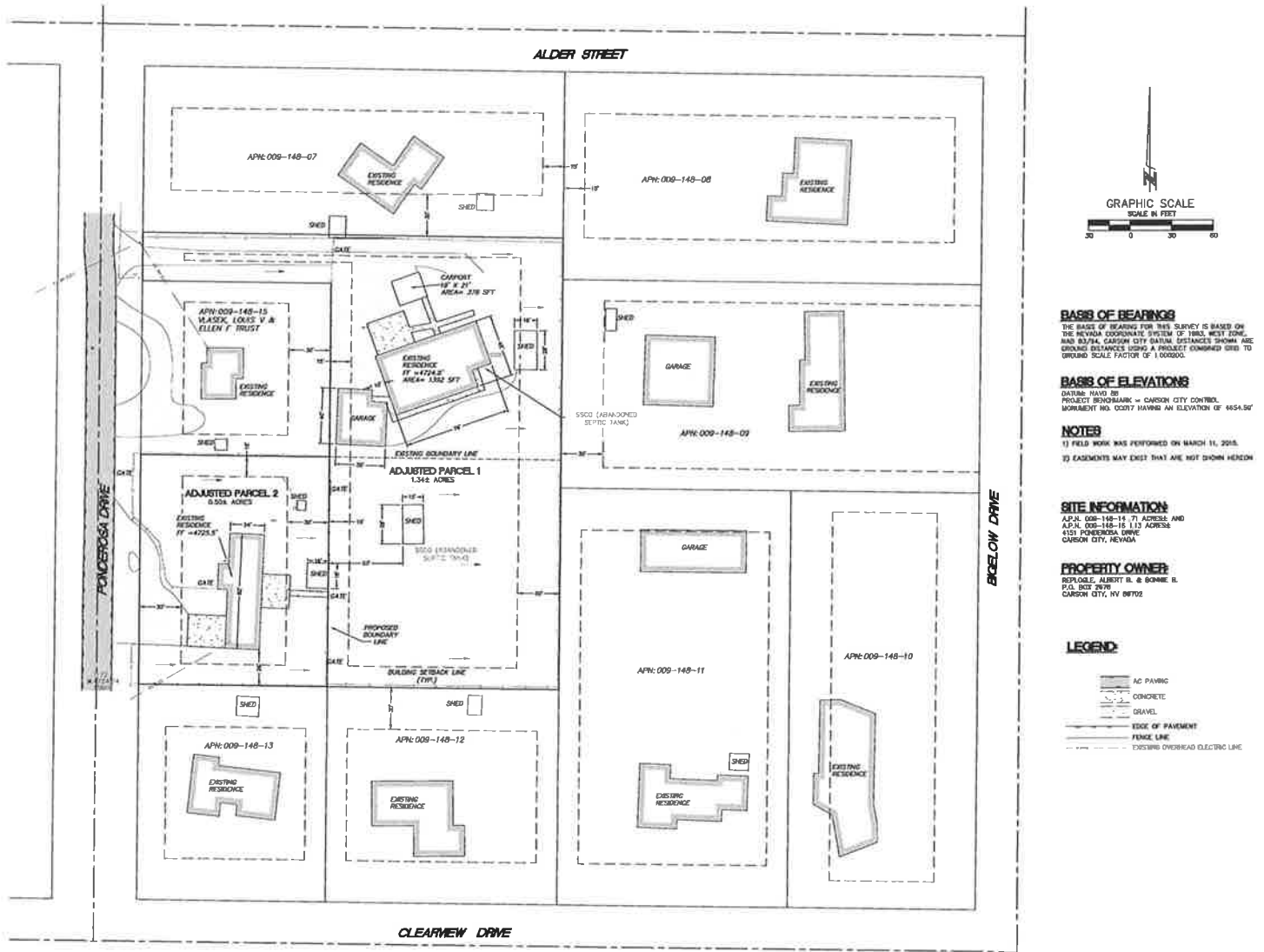
The SF1A development standards call out the following minimum lot dimensions:

- Front setback: 30
- Rear setback: 30
- Side yard setback: 15

The subject site has three accessory structures that need to be addressed as a part of the Variance request. Parcel 16 has a 968± sq. ft. detached garage located east of the single family residence within the 30-foot front yard setback. In addition, Parcel 16 has a 452± sq. ft. detached accessory structure located within the required 30-foot rear yard setback. Parcel 14 has a 282± sq. ft. detached accessory structure that will, through the boundary line adjustment, become non-conforming with the required 30-foot rear yard setback. All of the accessory structures exist today. As such, all of the surrounding property owners are aware of these existing structures and none are negatively impacted by their current non-conformity to the code setback requirements or by the proposed lot line adjustment between Parcels 14 and 16.

Figure 3 (following page) depicts the lot configuration proposed with the boundary line adjustment as well as the existing structures, providing a visual depiction of the conditions described above.

PONDEROSA DRIVE VARIANCE



BASIS OF BEARINGS
 THE BASIS OF BEARING FOR THIS SURVEY IS BASED ON THE NEVADA COORDINATE SYSTEM OF 1983, WEST ZONE, AND 83/784, CARSON CITY DATUM. DISTANCES SHOWN ARE GROUND DISTANCES USING A PROJECT CORRECTED GRID TO GROUND SCALE FACTOR OF 1.000200.

BASIS OF ELEVATIONS
 DATUM: NAVD 83
 PROJECT BENCHMARK = CARSON CITY CONTROL MONUMENT NO. 00077 HAVING AN ELEVATION OF 6654.97'

NOTES
 1) FIELD WORK WAS PERFORMED ON MARCH 11, 2015.
 2) EASEMENTS MAY EXIST THAT ARE NOT SHOWN HEREON.

SITE INFORMATION
 APN 009-148-15: 71 ACRES AND
 APN 009-148-16: 113 ACRES
 433 PONDEROSA DRIVE
 CARSON CITY, NEVADA

PROPERTY OWNER
 REPUBLIC, ALBERT B. & BONNE B.
 P.O. BOX 2676
 CARSON CITY, NV 89702

LEGEND

- AC PAVING
- CONCRETE
- GRAVEL
- EDGE OF PAVEMENT
- FENCE LINE
- EXISTING OVERHEAD ELECTRIC LINE

Figure 3 – Preliminary Site Plan

PONDEROSA DRIVE VARIANCE

Variance Findings

The Carson City Municipal Code defines the findings that must be made in order for the Planning Commission to approve a Variance request. These findings are listed below and are addressed in **bold face type**.

1. **Special circumstances or conditions applying to the property under consideration which exist making compliance with the provisions of this title difficult and cause a hardship to, and abridgment of a property right of the owner of the property, and describe how such circumstances or conditions do not apply generally to other properties in the same land use district and explain how they are not self-imposed.**

The property is unique in that it is a flag lot, taking access from Ponderosa Drive via a 35-foot wide, 135-foot long access strip. This has the effect of reducing the overall area available to use for the residence and accessory structures and making it very difficult to meet the minimum lot depth requirements. The special circumstances or conditions applying to the subject site are the existing non-conformities of the surrounding properties as illustrated by the variety of lot sizes less than 1 acre and less than 360 foot lot depth as well as the similarly non-conforming detached accessory structures within the general area of the subject site. To apply the required minimum lot size and lot depth standards would create a hardship and an abridgment to the property owner that has not been applied to the surrounding properties.

2. **Granting of the variance is necessary to do justice to the applicant or owner of the property without extending any special privilege to them.**

The variance request is necessary to allow for the expansion of Parcel 16 and reduction of Parcel 14 as opposed to rezoning the area to reflect the actual development that has occurred. As noted above, the region has many parcels that do not comply with the minimum lot size of 1 acre per dwelling unit and do not comply with the minimum lot depth. In looking at the development pattern of the surrounding area, approval of the variance request will not extend any special privilege to the applicant already not enjoyed by surrounding property owners.

PONDEROSA DRIVE VARIANCE

3. Granting of the variance request may or may not result in any actual damage to nearby properties or prejudice by your neighbors in a precedent-setting situation. State why the variance will not be harmful to public health, safety and general welfare.

The granting of the variance will not result in any actual damage to nearby properties or prejudice by the neighbors in a precedent-setting situation as several of the adjacent parcels are equal to or smaller than the parcels resulting from the proposed variance and boundary line adjustment. The variance requested will not negatively impact the public health, safety or general welfare as many of the surrounding properties have similar lot dimensions and similarly placed detached accessory structures. The proposed variance and boundary line adjustment will not create a negative impact on the air and light, water or sewage disposal, or materially impact any of the surrounding properties as it will reflect current conditions within the immediate area.

APPENDICES

RECEIVED
 MAR 19 2015
 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

FILE # VAR - 15 - : VAR - 15 - 022

VARIANCE
 FEE: \$2,150.00 + noticing fee

APPLICANT **ALBERT REPLOGLE** PHONE # **(775) 882-6604**

SUBMITTAL PACKET

MAILING ADDRESS, CITY, STATE, ZIP
PO BOX 2676 CARSON CITY, NV 89702

- 6 Completed Application Packets (1 Original + 5 Copies)
- Application Form
- Written Project Description
- Site Plan
- Building Elevation Drawings and Floor Plans
- Proposal Questionnaire With Both Questions and Answers Given, supporting documentation
- Applicant's Acknowledgment Statement
- Documentation of Taxes Paid-to-Date (1 copy)
- CD containing application digital data (all to be submitted once application is deemed complete by staff)

EMAIL ADDRESS
AlbertR@sierracontrols.com

PROPERTY OWNER **SAME AS ABOVE** PHONE #

MAILING ADDRESS, CITY, STATE, ZIP

EMAIL ADDRESS

Application Reviewed and Received By:
Kathe Green

APPLICANT AGENT/REPRESENTATIVE **RUBICON DESIGN GROUP LLC** PHONE # **(775) 425-4800**

Submittal Deadline: See attached PC 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.

MAILING ADDRESS, CITY, STATE, ZIP
100 CALIFORNIA AVE #202 RENO NV 89509

EMAIL ADDRESS
rpyzel@rubicondesigngroup.com

Project's Assessor Parcel Number(s): 09-148-14 & 16	Street Address 4151 PONDEROSA DRIVE 89701	ZIP Code
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Project's Master Plan Designation LOW DENSITY RES.	Project's Current Zoning SF1A	Nearest Major Cross Street(s) CLEARVIEW DRIVE
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Briefly describe your proposed project: (Use additional sheets or attachments if necessary). In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal.
 In accordance with Carson City Municipal Code (CCMC) Section: **18.04.190/18.05.055**, or Development Standards, Division _____, Section _____, a request to allow a variance as follows:
Boundary Line Adjustment of SF1A parcels less than 4 acre in size & detached accessory structures within the zoning setbacks

PROPERTY OWNER'S AFFIDAVIT

I, **ALBERT REPLOGLE**, 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.

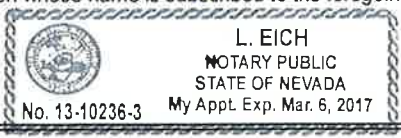
Signature: *Albert Replogle* Address: **PO BOX 2676 CC NV 89702** Date: **3-18-15**

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

STATE OF NEVADA)
 COUNTY **CARSON CITY**)

On **March 18**, 2015, **Albert Replogle**, 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, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, and/or the Redevelopment Authority Citizens Committee prior to being scheduled for review by the Planning Commission. Planning Division personnel can help you make the above determination.

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

ALBERT REPROGLE
Print Name

3-18-15
Date