



CITY OF FERNLEY

PLANNING COMMISSION

AGENDA REPORT

Public

Meeting Date: February 10, 2021

REPORT TO:	Mayor & City Council
REPORT THRU:	Daphne Hooper, City Manager
REPORT BY:	Melinda Bauer, Assistant Planner
REVIEWED BY:	Tim Thompson, Planning Director
REVIEWED BY:	Brent Kolvet, Deputy City Attorney
REVIEWED BY:	Denise Lewis, Finance Director

FINANCIAL IMPACT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CURRENTLY BUDGETED: <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	FUND/ACCOUNT:
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ACTION REQUESTED:	<input type="checkbox"/> Consent <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Presentation <input type="checkbox"/> Receive/File	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
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AGENDA ITEM: Public Hearing, Variance – VAR20001 (FOR POSSIBLE ACTION)
 Consideration and possible action on a Variance request from Star West Homes to allow for a reduction to the side and front setbacks, so an existing garage can remain on the property, in the SF6 (Single Family 6,000 sq. ft.) zoning district on a lot approximately ± 0.09 acres in size located at 385 Parkland Way, Fernley, NV. (APN: 020-412-04)

AGENDA ITEM BRIEF:
 A variance from the required side and front setbacks for an exceptionally small existing parcel, to accommodate an as-built attached garage at 385 Parkland Way (APN: 020-412-04) in Fernley, NV. This parcel was created with Subdivision Map #88564, recorded 9-26-1984, prior to Fernley becoming an incorporated city. The parcel was zoned NR1 with a minimum lot size requirement of 4,500 sq. ft., this parcel is only ± 3,920.4 sq. ft. which is ± 500 sq. ft. short of what was allowed, creating a legal non-conforming lot due to prior Lyon County approval of the lot size.

RECOMMENDED MOTION:
“I move to approve Variance associated with VAR20001, based on Findings V1 through V7 and the facts supporting these Findings as set forth in the staff report.”

Business Impact (per NRS Chapter 237):

A Business Impact Statement is Attached.

A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B.

See Attached Report for Background/Analysis.

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- CASE NUMBER(S):** • VAR20001
 - REQUESTED ACTION(S):** • Variance
 - PROJECT DESCRIPTION:** • A variance to reduce the south side setback from 5 feet to 0 feet, and the front garage setback from 20 feet to 11.34 feet, where the garage is currently built.
 - PROPERTY OWNER:** • HSKS LLC Series 176
 - DEVELOPER:** • Star West Homes
 - APPLICANT:** • Star West Homes
 - LOCATION:** • 385 Parkland Way
 - SITE SIZE:** • Approximately 0.09 acres
 - EXISTING ZONING:** • SF6 (Single Family 6,000 sq ft)
 - EXISTING LAND USE:** • Mixed Residential
 - WARD INFORMATION** • Ward 4 – Albert Torres

POLICY REFERENCE

Nevada Statutes:	NRS 278
Fernley Municipal Code:	Title 32
Policies & Procedure Manual:	N/A
Community Assessment:	N/A
City of Fernley Development Code:	Section 32.03.090

BACKGROUND:

This parcel was created with Subdivision Map #88564, recorded 9-26-1984, prior to Fernley becoming an incorporated city. The parcel was zoned NR1 with a minimum lot size requirement of 4,500 sq. ft., this parcel is only ± 3,920.4 sq. ft. which is ± 500 sq. ft. short of what was allowed, creating a legal non-conforming exceptionally small lot due to prior approval of the lot size.

A variance has been requested to reduce the south side setback from 5 feet to 0 feet, and the front garage setback from 20 feet to 11.34 feet. The reduction in this setback will allow the new owners, who are in the process of renovating the existing property, to continue without having to remove the existing garage.

On October 1, 2020, an inspection was performed on the as-built garage to ensure structural soundness. The garage was reported to be in good condition. The owner of the parcel in question also own and are developing the southerly adjacent lot, 395 Parkland Way. The new manufactured home being placed on

395 Parkland Way is over 10 feet away from the existing garage and appears to be compliant with Fernley building separation requirements. The owners are prepared to grant a non-construction easement or other encumbrance on 395 Parkland for the benefit of 385 Parkland to ensure that future owners are aware of the required separation, as a condition of approval of the variance request.

ANALYSIS:

Without the variance, the existing garage would need to be completely removed, with insufficient room to replace enclosed parking, reducing the use and value of the parcel. Demolition and re-construction would also prolong the construction disturbance of a neighborhood which has limited space to accommodate such work.

The reduction in this setback will allow the new owners, who are in the process of renovation the existing property, to continue without having to remove the existing garage. Approval of this variance will allow for the existing home and structure to remain as they are, with no further disturbance to the neighborhood or the lot itself.

Staff has determined that the proposed variance will not be detrimental to public health, safety, and welfare and that the request supports the guidelines as outlined in the City's Master Plan. Staff recommends approval of this Variance associated with VAR20001 to reduce the south side setback from 5 feet to 0 feet, and the front garage setback from 20 feet to 11.34 feet.

Pursuant to Section 32.03.090(D)(5), of the City of Fernley's Development Code, the Planning Commission may grant a variance if sufficient evidence is submitted that allows the Commission to make the following findings of facts:

FINDINGS:

Variance Relationship to the Master Plan

FINDING V1:

There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not generally apply to other properties classified in the same zoning district.

The parcel was zoned NR1 with a minimum lot size requirement of 4,500 sq. ft., this parcel is only ± 3,920.4 sq. ft. which is ± 500 sq. ft. short of what was allowed, creating a legal non-conforming lot due to prior Lyon County approval of the lot size.

FINDING V2:

Strict interpretation and enforcement of the specified provisions would deprive the applicant of privileges enjoyed by other property owners classified in the same zoning district.

Without the variance, the existing garage would need to be completely removed, with insufficient room to replace enclosed parking, reducing the use and value of the parcel. Demolition and re-construction would also prolong the construction disturbance of a neighborhood which has limited space to accommodate such work.

FINDING V3:

The granting of the variance will not constitute or grant a special privilege inconsistent with the limitations on other properties classified in the same zoning district.

This parcel which is set approximately three feet below the westerly adjacent lots, leaving the garage in place should not hinder existing neighborhood views, cause problems with new development in this fully developed area, or create any new problems for either lot.

FINDING V4:

The granting of the variance will not substantially impair the public health, safety or welfare or materially injure properties or improvements in the vicinity.

The reduction in this setback will allow the new owners, who are in the process of renovation the existing property, to continue without having to remove the existing garage. Approval of this variance will allow for the existing home and structure to remain as they are, with no further disturbance to the neighborhood or the lot itself.

FINDING V5:

The potential impairment of natural resources and the total population which available natural resources will support without unreasonable impairment has been considered.

The existing use is Single Family Residential with a garage for the purpose of covered off street parking, granting the variance will not change the use, and the existing residence is serviced by City water and sewer and will continue to do so, therefore shall not cause impairment of natural resources.

FINDING V6:

The affect the availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities has been considered.

By increasing the utilization of this limited parcel, the subject variance will increase the number of affordable housing units in the City of Fernley. The full-foundation mobile home main structure on the parcel could be adapted for disabled access due to its low finished floor.

FINDING V7:

Public notice was given, and a public hearing held per the requirements of Fernley Municipal Code and Nevada Revised Statutes.

A public hearing is scheduled to be held at the February 10, 2021 Planning Commission, public notice was published in the Reno Gazette Journal and notices were sent out to the surrounding neighbors meeting all the requirements of Fernley Municipal Code and Nevada Revised Statutes.

ATTACHMENTS:

1. Vicinity Map
2. Proposed Variance Map
3. Site Photos