



Planning Commission Meeting

April 16, 2025

Item No. {{item.Number}}

Staff Report

TO: Planning Commission

FROM: Nakeisha Lyon, City Planner

DATE: April 16, 2025

SUBJECT: For possible action: Matters pertaining to approximately 0.58 acres located at 3 Linda Lane:

A. A public hearing on an application for a variance

B. V-25-683: An application for a variance in the R1-15, Single Family Residential Zone to permit a new single-family residence with a building height of 25'-10" and an accessory structure with a building height of 19'-3" whereas Sec. 11-3-5.B. requires a principal structure to not exceed 25' in height, and Sec. 11-20-2.B.4. requires any accessory building or structure to not exceed 16' in height

Action Requested: That the Planning Commission conduct the required public hearing and consider the application request (Attachment 1) for a variance as noted above.

Background Information:

Applicant: John Swatzell

Location: 3 Linda Lane

Assessor Parcel No. 186-04-311-007

Zoning: R1-15, Single Family Residential Zone

Historic District: This property is not located within the Historic District.

Request: The applicant is requesting a variance for the construction of a new single-family residence and a detached recreational vehicle (RV) garage on a vacant lot located at 3

Linda Lane on behalf of the property owners. The building height of the proposed principal structure is 25'10", and the building height for the proposed RV garage is 19'3". The applicant is seeking relief from Sections 11-3-5.B. and 11-20-2.B.4. of City Code to accommodate the additional building height for these proposed structures. As the R1-15 zone limits building height of a principal structure to 25', and accessory buildings or structures to 16', in order to exceed these thresholds, an approved variance is required prior to review and approval of building permits associated with either improvement. The proposed construction meets the other applicable requirements of Title 11.

Variance: Chapter 3 of Title 11 provides the regulations that apply to properties zoned R1, Single Family Residential. As the subject property is within this zone, these regulations apply. Sec. 11-3-5.B. provides the provisions for yards, structure height, and number of stories applicable to principal structures in the R1-15 zoning district. This provision states that the maximum structure height is 25'.

Chapter 20, Title 11 provides the general provisions related to uses, conditions, and exceptions. Specifically, Sec. 11-20-2.B. provides standards for the location of accessory buildings and structures. Sec. 11-20-2-B.4. states that the height of any accessory building or structure shall not exceed one story or exceed sixteen feet (16') in height.

As the proposed structures exceed these thresholds, a variance application must be considered by the Planning Commission per Chapter 32 to allow for the applicant to move forward in building these improvements.

Please refer to the attached application and justification (Attachment 1), elevations, site plan and drawings (Attachment 2) and location map (Attachment 3) for additional details.

Required Criteria for Variances: Sec. 11-32-4 of City Code sets forth the criteria that must be met in order for a variance to be granted. It is necessary that findings be provided for all five criteria for the variance to be approved; failure to meet any one criterion is sufficient reason for denial of a variance. The criteria are as follows:

- A. There are exceptional and extraordinary circumstances or conditions applicable to the property or to its intended use that do not apply generally to the other property or classes of uses in the same vicinity and zone.**

Applicant's Response: The applicant's justification states that the subject property has conditions that apply to their property that don't apply to other lots generally or other similar uses in the R1 zone and vicinity. The extraordinary topography of the property creates challenges when building a home as the parcel is cut into the side of a hill with two separate levels. Additionally, the applicant explains that the dimensions of the parcel are long and narrow. Due to these conditions, the applicant states that the property owners have incorporated the topography into the architecture of the house by building the home into the hill and rotating the position of the home to fit within the side setbacks to maximize use of the parcel within the constraints of the setback. In addition, the applicant states

that access provided off Linda Lane to the subject property results in a very steep grade which is much narrower than other streets in the vicinity.

Staff's Response: For the principal building, the building height provisions for structures in Chapter 3 of the City Code apply generally to all R1-15, Single Family Residential (15,000 sf) zoned properties, other residential uses within the area, and in other residential zoning districts. For the accessory building, the building height provisions for these structures in Chapter 20 of the City Code apply generally to all R1-15, Single Family Residential (15,000 sf) zoned properties, other residential uses within the area, and in other residential zoning districts. This lot is a part of Boulder City Subdivision No. 14A which was approved as such and recorded on May 20, 1969. The lot is not substandard. Building heights applicable to residential zoned properties have slightly varied since the 1960s. Please see the below Residential Building Height History for more information.

B. The variance is necessary for the preservation and enjoyment of a substantial property right, possessed by other property in the same vicinity or zone, but which is denied to the property in question.

Applicant's Response: The applicant's justification states that the variance is necessary for the preservation and enjoyment of a substantial property right, possessed by other property in the same vicinity or zone, but which is denied to the property in question. As stated in their justification, the property owners have adjusted the location of the home to provide an optimal view of Lake Mead much like all the other homes within the vicinity. The applicant states that the property owners have worked within the constraints of the applicable setbacks and unusual grade plane to place the home in a position to best decrease some of the obstructed views of Lake Mead, mostly from an existing 2-story house and tree canopy located to the north of their proposed home. The 10" increase accommodates a slanted roof design which serves as a cantilevered protective shade and weather cover for the proposed deck. Their design includes a row of windows near the top of the roof to maximize natural light and conserve energy. The applicant's justification states that if the height of the roof ridge was decreased by 10", the row of windows would have to be eliminated. The applicant's justification states that the extraordinary topography of the lot and their goal to maximize lot usage has led them to design an attached garage that is beneath the living level on the lowest elevation of the lot. Because of the location of the lot and no other vacant lots to build on adjacent to the lot, there are no houses whose view of Lake Mead will be impacted at all if their home is built as proposed.

The applicant's justification states that the design of the detached RV garage matches the design of the house, and it needs to have a higher height than standard auxiliary buildings in order to accommodate a taller RV. There are no

other houses or properties nearby whose view may be impacted by the height of the RV garage.

Staff's Response: The ability and substantial property right to have a single-family residence and accessory structure are not denied to the subject property. A principal structure and accessory structure conforming to the City's standards could be developed on the subject property. This would require the applicant to reduce the proposed building heights to meet the requirements of Title 11.

- C. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.**

Applicant's Response: The applicant's justification states that this variance request will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located as the proposed improvements will not impact others nor block views of any other properties nearby.

Staff's Response: There is no evidence at this time that the granting of such variance will be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located. The Community Development Department, Utilities Department, Fire Department, and Public Works Department have reviewed the proposed request, drawings and materials provided by the applicant and have no comments or revisions.

- D. The granting of such variance will not adversely affect, or be contrary to, the Comprehensive Plan.**

Applicant's Response: The applicant's justification denotes that their variance request will not adversely affect, or be contrary to, the Comprehensive Plan as this plan is not site specific.

Staff's Response: The Comprehensive Plan (2003 Master Plan) is a general policy guide for the future development of the City, and it is not site (property) specific. Therefore, the requested variance would not be detrimental to the plan or its implementation.

- E. The conditions or situations of the specific piece of property, or the intended use of said property for which the variance is sought, is not of so general or recurrent a nature as to make reasonably practicable the formation of a general regulation of such conditions or situations.**

Applicant's Response: The applicant's justification states that their variance request is not of so general or recurrent a nature as to make reasonably practicable

the formulation of a general regulation of such conditions or situations. The applicant states that the variance request is specific to the design of the house. The applicant states that the property owners have explored all options and have also met with the Community Development Department throughout the home design process to determine the best options.

Staff's Response: The allowance of this requested variance would not set a precedent for a general or recurrent pattern so as to formulate a general regulation. Variance requests specific to building height are dependent on the specific conditions related to the subject property.

Options: Based on the foregoing analysis and findings, staff offers the following options for the Commission's consideration.

a. **Conditionally approval** of the requested variance, based on the following findings:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to its intended use that do not apply generally to the other property or classes of use in the same vicinity and zone. The topography of the property creates challenges as the property owner is seeking to use the existing grades present to construct their home. The lot elevation changes from the northwest corner of the lot to southwest corner of the lot by an increase of 17 feet. The lot elevation changes along the southwestern boundary decreasing by 11.4 feet.

For the principal structure, the building height provisions for structures in Chapter 3 of the City Code apply generally all R1-15, Single Family Residential (15,000 sf) zoned properties, other residential uses within the area, and in other residential zoning districts. However, the 10" increase in building height is a minimal deviation from this standard.

For the accessory building, the building height provisions for these structures in Chapter 20 of the City Code apply generally apply generally all R1-15, Single Family Residential (15,000 sf) zoned properties, other residential uses within the area, and in other residential zoning districts. However, the 3'-3" increase in building height is a minimal deviation due to the fact that this area will be at a lower elevation, similar to the elevation of the attached garage on the lower level (Criterion A);

2. The variance is necessary for the preservation and enjoyment of a substantial property right, possessed by other property in the same vicinity and zone, but which is denied to the property in question. Though, the ability and substantial property right to have a single-family residence and accessory structure are not denied to the subject property, the grading differences of the property creates challenges as the property owner is working within these constraints to construct their home. As stated in their

justification, the property owners have adjusted the location of the home to provide an optimal view of Lake Mead similar to other properties in the area. The 10" increase on the proposed principal structure accommodates a slanted roof design which also serves as a cantilevered protective shade and weather cover for their proposed deck. Their design also includes a row of windows near the top of the roof to maximize natural light and conserve energy which would be eliminated if the 10" increase was not allowed.

The design of the RV garage to have a higher height is in order to accommodate a taller RV. There are no other houses or properties nearby whose view may be impacted by the height of the RV garage. Additionally, the City has allowed similar variances as provided below within this staff report (Criterion B);

3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located. The Building Department, Utilities Department, Fire Department, and Public Works Department have reviewed the proposed request, drawings and materials provided by the applicant and have no comments or revisions (Criterion C);
4. The granting of this variance will not adversely affect, or be contrary to, the Comprehensive Plan (Criterion D); and
5. Approval of the variance would not create a condition whereas a general or recurrent regulation is formed as variance requests specific to building height are dependent on the specific conditions related to the subject property (Criterion E).

Conditions:

1. The proposed detached garage shall not be used as or converted to a dwelling unit.
2. The variance approval is based on the plans and information submitted and discussed as part of the variance request, and the variance shall not apply to deviations to the plans if the scope of the variance is expanded beyond that shown on the plans and submitted information.

b. Denial of the requested variance, based on the following findings:

1. There are no exceptional or extraordinary circumstances or conditions applicable to the property or to its intended use that do not apply generally to the other property or classes of use in the same vicinity and zone. Regardless of the existing topography, the applicant can adjust their

proposed residence and RV garage to meet the applicable building height maximums. The property owner could grade the southwestern portion of the property to even out the topography. The building height provisions for structures in Chapter 3 and Chapter 20 of the City Code apply generally to all R1-15, Single Family Residential (15,000 sf) zoned properties, other residential uses within the area, and in other residential zoning districts (Criterion A).

2. The variance is not necessary for the preservation and enjoyment of a substantial property right, possessed by other property in the same vicinity and zone, but which is denied to the property in question. The ability and substantial property right to have a single-family residence and accessory structure are not denied to the subject property. A principal structure and accessory structure conforming to the City's standards could be developed on the subject property. This would require the applicant to reduce the proposed building heights to meet the requirements of Title 11. (Criterion B).

Residential Building Height History:

Below is a table of the history of residential building heights in Boulder City. To summarize as it relates to the R1-15, Single Family Residential Zone, building heights for principal structures were up to 2 stories, 30' maximum prior to May 18, 1964. Accessory buildings were up to 1 story tall with no height requirement during this time.

Until March 23, 1988, building heights for principal structures were up to 2.5 stories, 35' maximum. Accessory buildings were up to 2 stories tall with no height requirement during this time. After this and under our current code, building heights for principal structures were up to 2 stories, 25' maximum with the exception of the ME zone which is 1 story, 20' maximum. Accessory structures have been limited to 1 story since 1988 and with a 16' maximum building height applicable since 1994.

Ord. / Effective Date	Zone / Building Height Max.
26 (new code) 01/04/1960	R-R: 50' R-1, R-2: 2 stories, 30'; accessory buildings: 1 story R-M: 2 stories; accessory buildings: 1 story
176 (new code) 05/18/1964	R-R, R-E, R-1 (R1-7, R1-8, R1-10, R1-15), R-2, R-3: 2.5 stories, 35' T: N/A TE: N/A Accessory buildings: up to 2 stories
841 (new code) 03/23/1988	R-R, R-E, R-1 (R1-7, R1-8, R1-10, R1-15, R1-20, R1-40, R1-80), R-2, R-3: 2 stories, 25' MP: N/A

	ME: 1 story, 20' Accessory buildings: 1 story
933/ 05/18/1994	Accessory buildings: 1 story, 16'
1548/ 06/23/2015	R1-5: 2 stories, 25'

KEY:

R-R	Rural Residential	Ord. 26, deleted by Ord. 841
R-E	Rural/Ranch Estate	Ord. 176, deleted by Ord. 841 (most properties to R1-80)
R1-X	Single (One) -Family Residential	Ord. 176, still in use (R1-7, R1-8, R1-10, R1-15), Ord. 841 (R1-20, R1-40, R1-80 included), Ord. 1548 (R1-5)
R-2	Two-Family Residential	Ord. 26, still in use
R-M	Multiple-Family Residential	Ord. 26, deleted by Ord. 176 (most properties to R-3)
R-3	Multiple-Family Residential	Ord. 176, still in use
T	Trailer Zone	Ord. 176, deleted by Ord. 841 (most properties to MP)
TE	Trailer Estate Zone	Ord. 176, deleted by Ord. 841 (most properties to ME)
MP	Mobile Home Park Zone	Ord. 841, still in use
ME	Mobile Home Estate Zone	Ord. 841, still in use

The Planning Commission has considered variances such as or similar to these previously as follows (this is not a comprehensive list):

- V-24-673– 1301 Cattail Falls Street: **Approval** of a variance in the R1-8 zoning district to permit an accessory building with a height of 18'3". **Justification:** Met variance criteria.
- V-17-621 – 1503 Mendota Drive: **Denial** of a variance in the R1-80 zoning district to permit an already built accessory building (detached garage) at 3,240 s.f. in area (54' x 60') and a height of 19'. **Justification:** Criterion A and B were not met.
- V-06-550 – 1422 San Felipe Drive: **Approval** of a variance in the R1-20 zoning district to permit an accessory building in the front yard with an area of 2,328 sf, at two stories, and 16.6' in height. **Justification:** Met variance criteria.
- V-05-533 – 1200 Walnut Drive: **Approval** of a variance in the C2 zoning district for a building height of 29' (principal). **Justification:** Met variance criteria
- V-03-500 – 1432 San Felipe Drive: **Approval** of a variance in the R1-20 zoning district to permit an accessory building with a height of 20'. **Justification:** Met variance criteria

- V-02-470 – 1501 Veterans Memorial Drive: **Approval** of a variance in the SR zoning district for a building height of 36' (principal). **Justification:** Met variance criteria.
- V-00-430 – 1431 Pueblo Drive: **Approval** of a variance in the R1-20 zoning district to permit an accessory building in the front yard with an area of 2,328 sf, at two stories, and 21' 6" in height. **Justification:** Met variance criteria.
- V-99-422 – 110 Ville Drive: **Approval** of a variance in the C2 zoning district for a building height of 35' (principal). **Justification:** Met variance criteria.
- V-98-406 – 1414 Pueblo Drive: **Approval** of a variance in the R1-20 zoning district to permit an accessory building with a height of 18' 8". **Justification:** Met variance criteria.
- V-97-384 - 526 Jani Place: **Denial** of a variance in the R1-8 zoning district for a building height of 47' (principal). **Justification:** Criterion A and B were not met.
- V-96-368 – 1400 and 1401 Wyoming Street: **Approval** of a variance in the C2 zoning district for a building height of 25' at a 0' front lot line (principal). **Justification:** Met variance criteria.
- V-93-298 – 600 Yucca Street: **Approval** of a variance in the CM zoning district for a building height of 55' (principal). **Justification:** Criterion A and B were not met.
- V-92-288 – 867 Judi Lane: **Approval** of a variance in the R1-8 zoning district for a building height of 27' (principal). **Justification:** Met variance criteria.
- V-91-215 – 600 Veterans Memorial Drive: **Approval** of a variance in the BC zoning district for a building height of 36.5' (principal). **Justification:** Met variance criteria.

For approval of a variance, the Commission has the option to associate conditions or modifications to the request (e.g. a lesser variance than requested, modifying findings or conditions, requirement to submit building permits or requiring additional conditions).

Public Notice Requirements: This variance was noticed in accordance with Sec. 11-35-3.A. Notice of the public hearing and application request were mailed to all property owners within 500' of the subject property on April 3, 2025. No written public comments have been received as of the writing of this staff report.

Department Recommendation:

Requested Action: That the Planning Commission hold the public hearing, deliberate and then make a motion to **either** approve or deny the request, using alternate draft motion language as follows (subject to modification as noted above):

APPROVE: “I move to conditionally approve V-25-683 based on the findings and subject to the conditions contained within this staff report.”

or

DENY: “I move to deny V-25-683 based on the findings contained within this staff report.”

Any final decision by the Planning Commission can be appealed to the City Council, subject to the requirements per Section 11-34-2 of the City Code and NRS 278.3195.

Attachments:

1. Application and Justification
2. Elevations, Site Plan, and Drawings
3. Location Map