

2. For possible action: Matters pertaining to approximately 0.26 acres located at 608 Hermosa Lane:

- a) A public hearing on an application for a variance

- b) V-24-672: An application for a variance to permit an accessory structure within the street side yard of a corner lot with a setback of 1'-10", whereas Section 11-20-2.B.7 of City Code requires a 20' setback.



Planning Commission Meeting August 21, 2024 Item No.

Staff Report

TO: Planning Commission

FROM: Nakeisha Lyon, AICP, City Planner

DATE: August 21, 2024

SUBJECT: For possible action: Matters pertaining to approximately 0.26 acres located at 608 Hermosa Lane:

- a) A **public hearing** on an application for a variance
- b) V-24-672: An application for a variance to permit an accessory structure within the street side yard of a corner lot with a setback of 1'-10", whereas Section 11-20-2.B.7 of City Code requires a 20' setback.

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 / Tenant: Joseph Mogar

Property Owner: Brianna Farmer and Joseph Mogar

Location: 608 Hermosa Lane Assessor Parcel No. 186-10-116-005

Zoning: R1-7, Single Family Residential

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

Request: The applicant is requesting a variance for the construction of a detached recreational vehicle (RV) garage within the side corner setback of their property located on Hermosa Lane. The proposed detached RV garage is approximately 950 square feet with a height of 17' and a 14' high garage door facing northeast with existing access via a driveway connection along Hermosa Lane. The proposed RV is designed with stucco, metal roofing, and metal fascia materials painted in colors to match the home as required

Sec. 11-20-2-B.3. of the City Code as shown in Attachment 2. In order to construct this proposed RV garage approximately 1'10" from the corner street side property line, an approved variance is required prior to review and approval of a building permit.

Variance: Sec. 11-1-3. of the City Code defines a **building, accessory** as "any building, the use of which is subordinate to and/or incidental to the use of the principal building, and which is on the same lot." The subject property has an existing principal building functioning as a single family home. The proposed detached RV garage is smaller in dimensional standards than the existing principal building. Therefore, the proposed detached RV garage is considered an accessory structure.

Sec. 11-1-3. of the City Code defines a **lot, corner** as "a lot which has an interior angle of one hundred thirty five degrees (135°) or less at the intersection of two (2) street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty five degrees (135°) or less." As the subject property abuts upon a curved street (Hermosa Lane), it is considered a corner lot.

Sec. 11-20-2.B.7. denotes that "garages and carports which open onto the street side yard of a corner lot shall have a minimum setback from the street side property line equivalent to the front yard setback for the zone in which the structure is located." The proposed accessory structure's garage door opens to the southeastern side of the lot which is comprised of portions of the street side yard and the rear with an existing driveway access directly from Hermosa Lane.

Sec. 11-3-5.B. of the City Code denotes the yard, structure height and number of stories requirements applicable to the R-1 Single Family Residential Zone. The minimum front yard setback applicable to the R1-7 zoning district is 20 feet. Therefore, the accessory structure must be placed 20 feet from the street side property line, which starts at the back of curb for this lot.

Since the proposed placement of the accessory structure is not permitted within this location, a variance application must be considered by the Planning Commission per Chapter 32.

Refer to the attached application and justification (Attachment 1), elevations, site plan and images (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 denotes that though most of the homes in their neighborhood are typical rectangular lots, their lot is an irregular triangular shape which is unique and makes it challenging to meet the accessory structure setback requirements.

Staff's Response: The setback requirements for accessory structures do apply generally to other properties along Hermosa Lane, other residential uses within the area, and in the R1-7 zoning district. The irregular shaped lot is apart of the Loma Linda Homes Subdivision which was approved as such and recorded on November 22, 1988. The City at the time made an exception regarding the irregular shaped lots as the overall property that was ultimately subdivided was irregular in nature. The width of the lot is substandard (61.32' when 75' is required per code) with the depth of the lot narrows and stretches along Hermosa Lane. This rear portion of their lot ranges from 5' in width at the narrowest point to 40' in width closest to the home.

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 denotes that their proposed detached RV garage is similar to other detached garages located on two other properties, 600 and 603 Hermosa Lane, in the neighborhood. If the variance is approved, the applicant would be able to store and protect their RV and other motor vehicles. The applicant has denoted that the properties at 600 and 603 Hermosa Lane already have detached garages along their corner side yards closer than the required 20' setback.

Staff's Response: The ability to have an accessory structure is not denied to the subject property. An accessory structure conforming to the City's standards could be developed on the subject property. This would require the applicant to redesign the accessory structure to meet the placement standards of Chapter 20, Title 11. However, the corner side yard setback reduces the size in which the accessory structure could be, limiting the capacity of storage space the applicant desires within the detached accessory structure. The substantial property right to develop an accessory structure is processed by other properties along Hermosa Lane. The R1-7 zoning district allows for a maximum of 700 sf of gross floor area (gfa) for all accessory buildings located on a lot. If the proposed accessory buildings are similar in material and color to the primary dwelling on site, the sum of these structures can be up to a maximum of 1000 sf of gfa.

Regarding 600 Hermosa Lane, a detached accessory structure is located within the corner street side setback of this property. A variance was not required for the placement of this accessory structure as Sec. 11-20-2.B.1.b.(2). denotes that an accessory building or structure may occupy any portion of a street side yard of a

corner lot if the abutting lot to the rear along the street side is not a key lot and there is no vehicle access to the street. There is no lot to the rear of 600 Hermosa Lane (it abuts Wyoming Street), and there is access to Wyoming Street but not Hermosa Lane which is the side street. Based on this provision, the placement of this accessory structure was allowed by right.

Regarding 603 Hermosa Lane, a detached accessory structure is located within the front yard of the property with a setback of only 3' when 20' is allowed. A variance was applied for in November 1993 in which the Planning Commission at the time denied. The applicant appealed the Planning Commission's decision to the City Council. The City Council granted the appeal and a variance for a detached accessory structure within this location was granted.

- 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 denotes 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. The applicant denotes that Hermosa Lane is a private drive and is only accessed by the immediate residents. The proposed building would not interfere with any line of sight of vehicles or hinder traffic. The side of the building along Hermosa Lane would face the tall back walls of the adjacent neighborhood.

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 applicant will utilize an existing driveway access for ingress and egress from the proposed RV garage. 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. Their justification denotes that there are similar detached garages in the neighborhood, and would allow access to the same amenities as the two other properties mentioned above.

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 denotes 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 denotes that they only need of one detached garage and are requesting this variance due to the unique shape of the lot which prevents challenges to meeting the corner side yard setback.

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. The corner side street yard and rear yard of this lot are the only vacant areas on the subject property. The proposed detached RV garage to be located within the corner street side setback is based on the irregular shape of the lot with narrowing widths within the rear that constraint the possible location of a detached accessory structure of this size.

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

- a. **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 irregular shaped lot with a range of substandard widths due to a narrowing lot depth constraints the subject property in comparison to other lots within the subdivision and R1-7 zoning district that would meet the space requirements within City Code (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 to have an accessory structure is not denied to the subject property itself, the corner street side yard setback reduces the maximum buildable potential allowed by right for an accessory structure allowed in the R1-7 zoning district (up to 700 sf of gfa, or up to 1000 sf of gfa if similar in material and color to the primary dwelling on site). Additionally, the City has allowed similar variances as denoted for 603 Hermosa Lane and other examples provided below under B. 1. Criterion B (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 due to the limited developable areas remaining on the lot and irregular shape of the lot with narrowing widths within the rear that constraint the possible location of a detached accessory structure of this size (Criterion E).

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

1. 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 to have an accessory structure is not denied to the subject property itself, regardless of if the corner street side yard setback reduces the maximum buildable potential allowed by right for an accessory structure within the R1-7 zoning district. The applicant can redesign their detached accessory structure to meet the provisions of Chapter 20, Title 11 (Criterion B).

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

- V-14-608 – 1224 Paiute Drive: Approval of a variance in the R1-7 zoning district to permit an addition to the principal structure with a corner street side setback of 9'.
- V-12-585 – 668 Avenue C: Approval of a variance in the R1-7 zoning district to permit an addition to an accessory building with a corner street side setback of 9.33'.
- V-09-576 – 55 Avenue L: Approval of a variance in the R1-7 zoning district to permit an addition to the principal structure with a corner street side setback of 10' from Arizona Street.
- V-06-546 – 1526 Christina Drive: Approval of a variance in the R1-7 zoning district to permit an accessory building with a corner street side setback of 0' from Darlene Way.
- V-04-504 – 205 Donner Way: Approval of a variance in the R1-8 zoning district to permit a principal structure with a corner street side setback of 10.98' off Donner Way.

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 August 8, 2024. Staff has received one written public comment (Attachment 4).

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-24-672 based on the findings and subject to the conditions contained within this staff report."

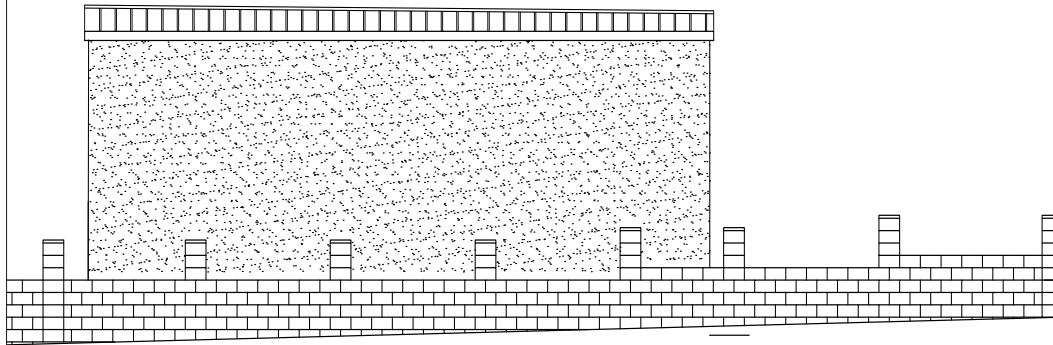
or

DENY: "I move to deny V-24-672 based on the findings contained within this staff report."

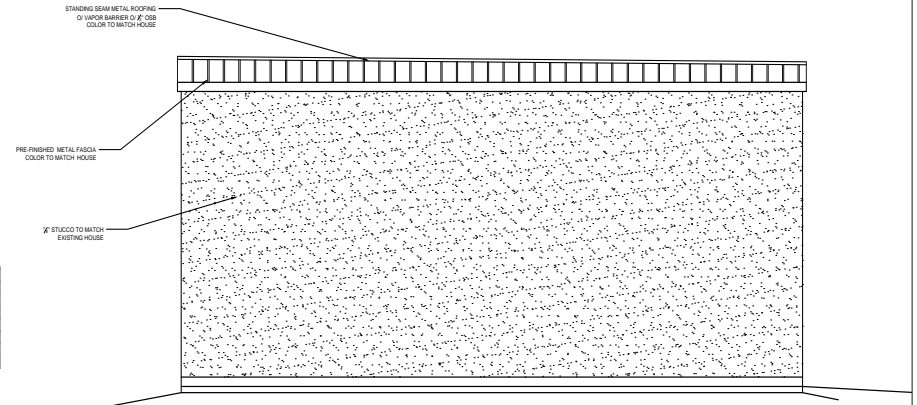
Any final decision by the Planning Commission can be appealed to the City Council, subject to the requirements per Section 11-34-2 of the City Code and NRS 278.3195.

Attachments:

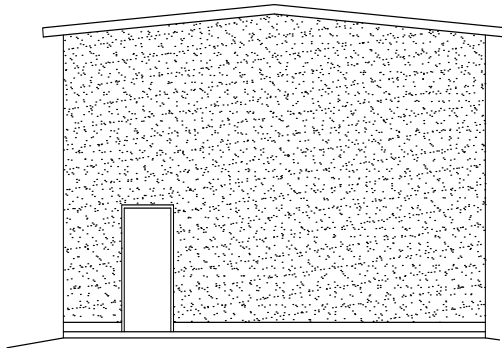
1. Application and Justification
2. Elevations, Site Plan, and Images
3. Location Map
4. Public Comment



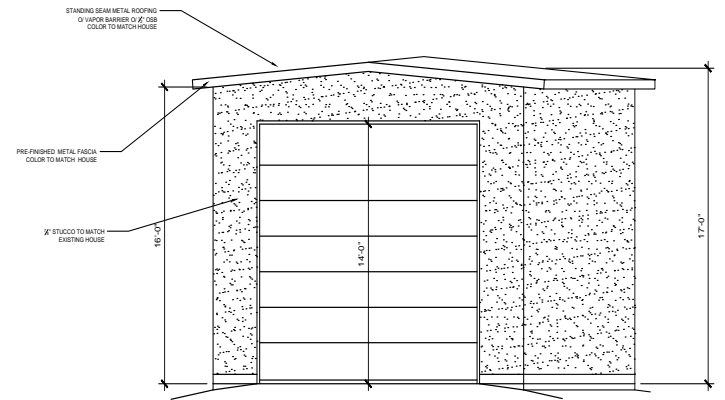
FRONT ELEVATION
FROM STREET



FRONT ELEVATION



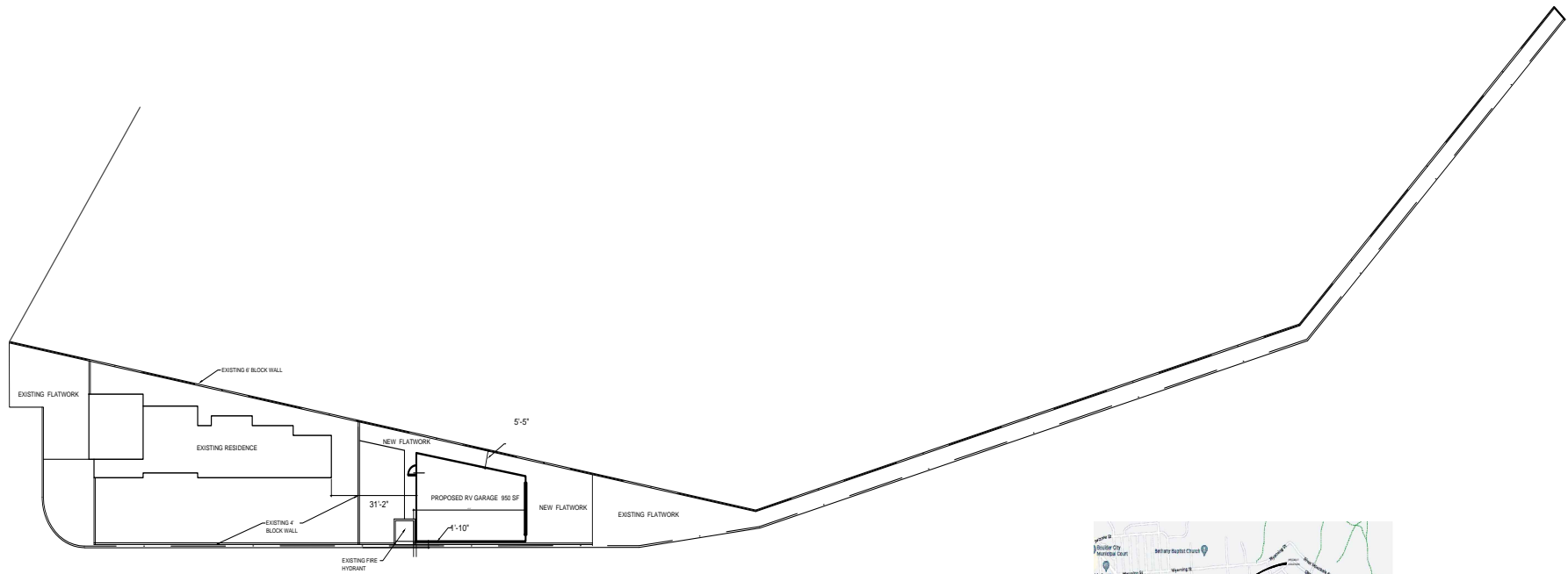
LEFT ELEVATION



RIGHT ELEVATION

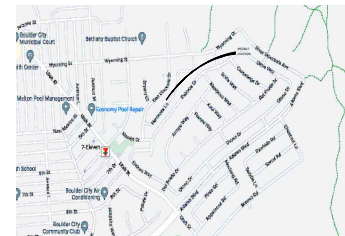
SCALE 1/8" = 1'-0"

REVISED PER UTILITIES DEPARTMENT'S COMMENTS 08-07-24



608 HERMOSA LANE
A.P.N. 186-10-114-002

REVISED PER UTILITIES DEPARTMENT'S COMMENTS 08-07-24



MOGAR / FARMER PROPOSED DETACHED RV GARAGE

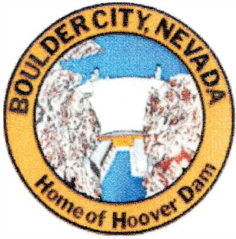
SCALE 1" = 40'





Hermosa Ln





Boulder City, Nevada
Community Development Department
ZONING APPLICATION FORM

Mailing Address:
401 California Avenue
Boulder City, Nevada 89005

CHECK ONE:

- ☐ MASTER PLAN AMENDMENT: MAP ☐ TEXT ☐
☐ ZONING AMENDMENT: MAP/REZONE ☐ ORDINANCE TEXT ☐
☐ CONDITIONAL USE PERMIT
☐ SPECIAL USE PERMIT
☒ VARIANCE
☐ DEVELOPMENT ALLOTMENT: Single-Family ☐ Multi-Family ☐ Hotel-Motel ☐
☐ OTHER (as per STAFF ONLY): _____

Staff Use Only

File No. _____
Acceptor _____
Filing Date _____
Hearing Date _____
Fee Paid _____

APPLICANT		PROPERTY OWNER	
NAME	Joseph Gary Mogar	NAME	Brianna Farmer/Joseph Mogar
MAILING ADDRESS	608 Hermosa Lane Boulder City, NV 89005	MAILING ADDRESS	608 Hermosa Lane Boulder City, NV 89005
CONTACT PHONE	702-592-4598 Check: Work <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Home <input type="checkbox"/>	CONTACT PHONE	702-592-4598 Check: Work <input type="checkbox"/> Cell <input checked="" type="checkbox"/> Home <input type="checkbox"/>
EMAIL	jmogar80@gmail.com	EMAIL	jmogar80@gmail.com

STREET ADDRESS or LEGAL DESCRIPTION: 608 Hermosa Lane, Boulder City, NV 89005

APPLICATION: Application must specify the nature of the request pursuant to the provisions of City Code, Title 11. Application is to permit the following (BRIEFLY describe here):

Variance to reduce side corner setback to allow for a detached RV garage.

JUSTIFICATION: Applicant must submit a written statement along with this application describing the nature of the request (in detail) and justification using the criteria in the City Code (copy attached).

AFFIDAVIT: I do hereby solemnly swear or affirm that all statements contained in this application are true and correct to the best of my knowledge and that this statement is executed with the knowledge that misrepresentation or failure to reveal information requested may be deemed sufficient cause for refusal to approve this application.

Joseph Gary Mogar
PRINT Applicant Name

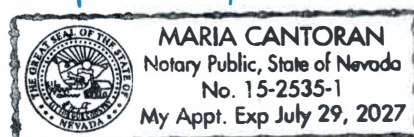
[Signature]
SIGNATURE of Applicant

State of Nevada, County of Clark Subscribed and sworn to (or affirmed) before me on (date)

July 30, 2024 by [name(s) of person(s) making statement] Joseph Gary Mogar.

[Signature]
(Signature of notarial officer)

(Notary stamp)→



Request for Variance Justification and Explanation:

The owner/builders, Joseph Mogar & Brianna Farmer, are requesting a variance to be approved for an RV garage to be built in our rear yard. The “rear yard” as described by the City’s clarification of the front, corner side, side, and rear property lines. The property, 608 Hermosa Lane is a triangular-shaped property with the main residence at the bottom of the triangle. The rear yard extends from the end of the house to the point of the triangle with the property along Hermosa considered the corner side yard.

We are requesting approval to build a garage of adequate size to house a motorhome and several other recreational vehicles (boat, side by sides, motorcycles, hot rods, etc.) to protect them from exposure and keep them secure.

The variances are being requested due to the corner side yard set back of 20’.

Our request addresses the 5 variance criteria:

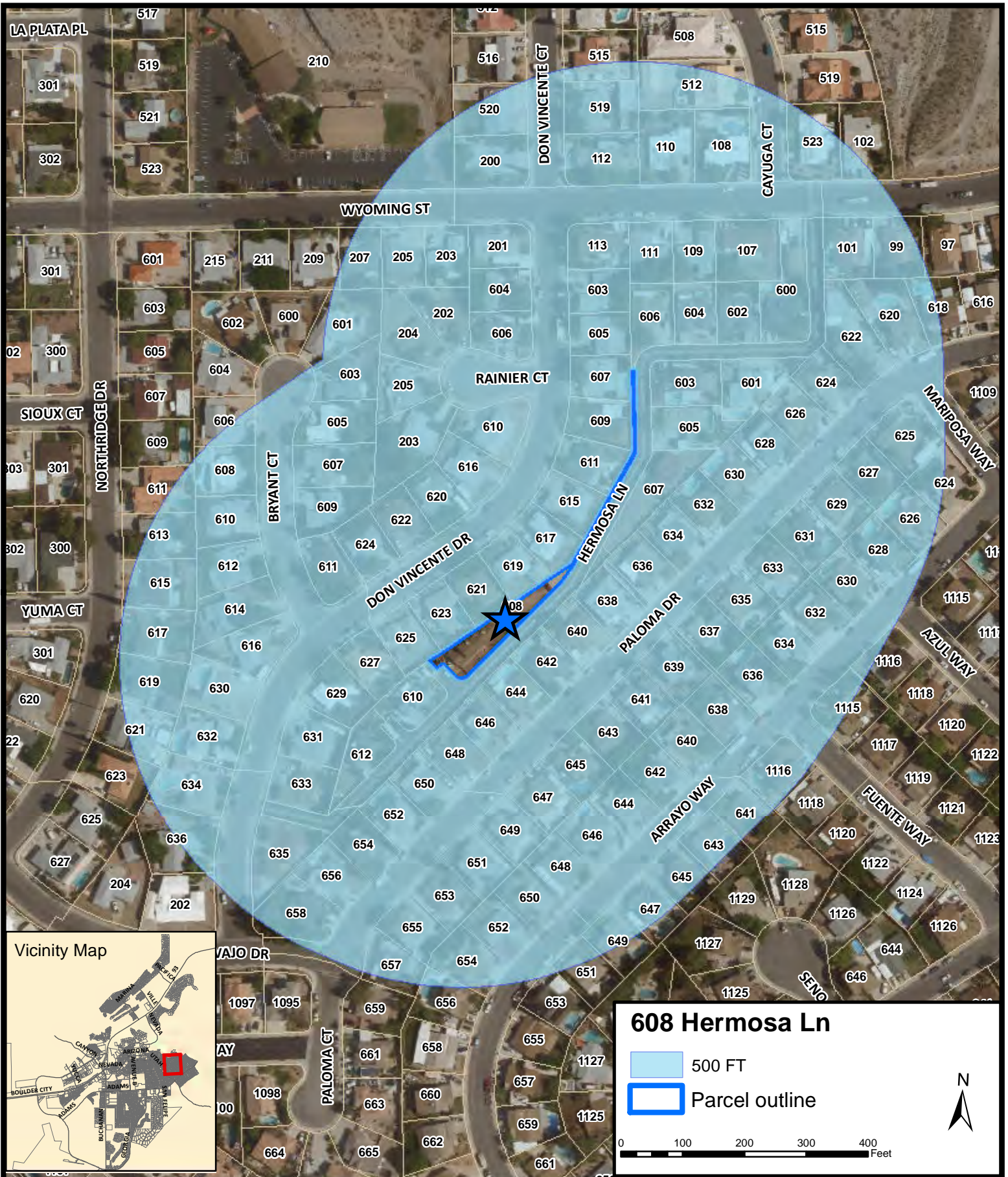
A. Most of the homes in our neighborhood are typical rectangular lots. The irregular triangular shape of our lot is unique. This makes it challenging to meet the setback requirements.

B. This variance is requesting a detached garage similar to two other properties in the neighborhood. The variance approval would allow us to store and protect our recreational vehicles. The properties at 600 and 603 Hermosa already have detached garages along there corner side yards closer than the required setback.

C. Granting the variance would not be detrimental to the public welfare or injurious to the property. Hermosa Lane is a private drive and is only accessed by the immediate residents. The proposed building would not interfere with any line of sight or hinder traffic. The side of the building along Hermosa Lane would face the tall back walls of the adjacent neighborhood.

D. The granting of this variance will not adversely affect or be in contrast to the comprehensive plan. There are similar detached garages in the neighborhood, we would like to have the same amenities as those around us.

E. This is not a recurrent situation for this parcel of property. We are only in need of one detached garage. The variance is being requested due to the unique shape of the lot, challenging to meet the corner side yard setback.



**CITY OF
BOULDER CITY, NV**

**COMMUNITY
DEVELOPMENT**

LOCATION MAP

608 Hermosa Ln
APN 186-10-116-005

CREATED BY:
JW BCNV GIS

ISSUE DATE:
07/31/2024

FILE NAME:
608 Hermosa Ln

SHEET:
1 OF 1

Good morning,

Your comments have been received and will be forwarded to the Planning Commissioners.

Thank you,
Bridgette

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Saturday, August 10, 2024 12:54 PM

To: City Clerk <CityClerk@bcnv.org>; Tami McKay <TMcKay@bcnv.org>; Stacey Brownfield <sbrownfield@bcnv.org>; Teena Pickens <TPickens@bcnv.org>

Subject: Online Form Submittal: Written Comment Form

CAUTION: This email originated from outside the Boulder City, NV network. Please note the sender and maintain caution when opening external links/attachments.

Written Comment Form

Meetings Public Comment Form

Please complete this form if you would like to provide your comment on an item to be discussed at a Boulder City Council, Committee or Commission meeting. Comments should be addressed to the body as a whole, not to an individual member. Thank you for your cooperation and participation.

All written comments will be included in the meeting minutes, so we kindly request that they be expressed in a courteous manner.

PLEASE NOTE: Written comments must be received 1 hour prior to the start of the meeting so they can be distributed to Council, Committee and/or Commission members. We encourage you to send in comments early to allow members time to review.

First Name

Bernadette

Last Name	Hartman
Email Address	blhartman77@gmail.com
Phone Number	(702)884-1674
Address	617 Northridge Dr
City	Boulder City
State	NV
Zip	89005
Meeting Date and/or Function	August 21, 2024
Agenda Item: If unsure of the item, please view the agenda at	V-24-672 Variance
www.bcnv.org/agendaportal . If your comment does not relate to a specific agenda item, please type "General Public Comment" below.	
Opinion	Oppose
Your Comment	Absolutely Not. I don't want anyone to build or have access to my backyard. I don't want to have to give up my yard either.
Affirm	Yes
Do you wish to sign up to receive future agendas and news items from the City of Boulder City?	No

Email not displaying correctly? [View it in your browser.](#)