

Community Services Department  
Planning and Building  
VARIANCE APPLICATION



Community Services Department  
Planning and Building  
1001 E. Ninth St., Bldg. A  
Reno, NV 89512-2845

Telephone: 775.328.6100

## Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

|  |                 |   |                 |
|--|-----------------|---|-----------------|
| <b>Project Information</b>   |                 | Staff Assigned Case No.: _____                          |                 |
| Project Name: <span style="float: right;">Birta Variance</span><br>(Reduce front yard setback from 15 feet to 8 feet)  |                 |   |                 |
| Project Description: Add to two car garage and attached carport. Add living area above addition. Expand rear deck and add stair system to new spa on slab below. |                 |   |                 |
| Project Address: 919 Jennifer Street Incline Village, NV. 89451  |                 |   |                 |
| Project Area (acres or square feet): .32 AC. / 13,844 SF.  |                 |   |                 |
| Project Location (with point of reference to major cross streets AND area locator):<br>Nearest Cross Street: Marlett Way. Parcel backs to 431 Mt Rose Highway.   |                 |   |                 |
| Assessor's Parcel No.(s):  | Parcel Acreage: | Assessor's Parcel No.(s):                               | Parcel Acreage: |
| 125-361-12   | .32             |   |                 |
| Indicate any previous Washoe County approvals associated with this application:<br>Case No.(s).  |                 |   |                 |
| <b>Applicant Information (attach additional sheets if necessary)</b>   |                 |   |                 |
| <b>Property Owner:</b>   |                 | <b>Professional Consultant:</b>                         |                 |
| Name: Birta, Calin (Robert)  |                 | Name: Wayne Ford/ Res Design                            |                 |
| Address: R & Diana I<br>919 Jennifer St. Incline Village, NV. 89451  |                 | Address: 731 Lynda Court<br>Incline Vill, NV Zip: 89451 |                 |
| Phone: 775-230-2220 Fax: na,   |                 | Phone: 775-772-2495 Fax:                                |                 |
| Email: robert@robortelectric.com   |                 | Email: waynefordresidentialdesigner@yahoo.com           |                 |
| Cell: same Other:  |                 | Cell: same Other:                                       |                 |
| Contact Person: Wayne Ford   |                 | Contact Person: Wayne Ford                              |                 |
| <b>Applicant/Developer:</b>  |                 | <b>Other Persons to be Contacted:</b>                   |                 |
| Name:  |                 | Name:   |                 |
| Address:   |                 | Address:  |                 |
| Zip:   |                 | Zip:  |                 |
| Phone: Fax:  |                 | Phone: Fax:   |                 |
| Email:   |                 | Email:  |                 |
| Cell: Other:   |                 | Cell: Other:  |                 |
| Contact Person:  |                 | Contact Person:   |                 |
| <b>For Office Use Only</b>   |                 |   |                 |
| Date Received:   | Initial:        | Planning Area:  |                 |
| County Commission District:  |                 | Master Plan Designation(s):                             |                 |
| CAB(s):  |                 | Regulatory Zoning(s):                                   |                 |



# VARIANCE DOCUMENTS

Owners: Mr. and Mrs. Birta, Robert and Diana

Project Address: 919 Jennifer Street Incline Village, NV  
89451

Project: Add new entry, two care garage and carport. Above entry, garage and carport add master bedroom, bath and closet area. Front additions require the front yard setback to be reduced as zoned. New rear deck and spa area within current rear and side yard setbacks as designed.

Project APN: 125-361-12 Washoe County. Legal: Lot 4,  
Block 'M' Incline Village Unit No 1A.



# Introduction to findings for a variance need for the front yard setback on parcel 125-361-12 Washoe County, Incline Village, NV. 919 Jennifer Street. Lot 4 Block "M" Unit No. 1A.

**Owners: Mr. And Mrs. Birtal**

**The current parcel was recorded in 1960 's . In the review process at the time with the Nevada Tahoe Planning Agency "Open Space Zones" were created on many parcels in the Incline Area. These areas did not allow for any structure to be built. This dedicated areas were done to off set more sensitive parcels that were much steeper . Coverage was then assigned to these parcels from the restricted areas on parcels such as 919 Jennifer.**

**Due to the arbitrary nature of this selection process for the assignment of open space ,where no building could take place, selected parcels had less area to development. A .5 acre parcel in many cases would not be impacted in the same way a much smaller parcel that was .32 of a acre. Then the addition of front and side yard setbacks made the building area even smaller.**

**Zoning first was applied in 1912 . Zoning is not just land use but also land rules. Even with the best insight into the planning process land use changes by peoples needs. Many homes built in 1982 were "summer homes". So in closed parking for year around access was not needed. That has now changed and so has the development code where at least one space is required to be in closed for a car.**

**In the 1930's the Nevada Legislature saw that a process to allow for Zoning adjustments was needed and thus sections 278.010 through 278.630 were adopted. The Washoe County Code 110.804.25 Findings was established in the 1990's. How hardship was defined was part of this code.**

**Section (a) Special Circumstances (3) applies to the parcel 125-361-12. " Other extraordinary and exceptional situation or condition of the property and/or location of surroundings. The "open space easement " is such a special circumstance. This has reduced the building area on the site to only 39% of the total lot area. See sheet 1a.**

**In addition the parcel becomes under section (1) narrow and shallow in building area shape.**

**The result of this current Zoning is that a parcel has a "hardship" to be able to add a garage and carport at the west side of the parcel with access from Jennifer Street. This requires that the front yard setback be adjusted from 15 feet to 8 feet at one side.**

**Wayne Ford  
Wayne Ford Residential Design  
License Number 091-RD**

**VARIANCE DOCUMENTS**

Owners: Mr. and Mrs. Brita, Robert and Diana  
 Project Address: 919 Jennifer Street Incline Village, NV 89451  
 Project: Add new entry, two car garage, and carport. Above entry, garage and carport add master bedroom, bath and closet area. Front additions require the front yard setback to be reduced as zoned. New rear deck and spa area within current rear and side yard setbacks as designed.  
 Project APN: 125-361-12 Washoe County, Legal: Lot 4, Block 'M' Incline Village Unit No. 1A.

**ARCHITECTURE: VARIANCE DOCUMENTS**

- A0: SHEET INDEX
- A1: SITE PLAN, TREE SITE ASSESSMENT, ADDITION LOCATION, SITE SECTION, NATURAL SLOPE
- A2: EXISTING SITE PLAN, STATEMENT VARIANCE FINDINGS, AREA PLAN, SITE DATA, KEY TO LAND USE
- A3: SITE SECTION LAND USE, EXISTING FLOOR PLAN, PROPOSED FLOOR PLAN, EXISTING EXTERIOR ELEVATIONS
- A4: NEW EXTERIOR ELEVATIONS W/ ADDITION OF GARAGE, CARPORT, ENTRY AND DECK, TRPA ALLOWED HEIGHT.

EXHIBIT A: LETTER ASSIGNED

KEY TO FINDINGS: SEE VARIANCE OF FRONT SETBACK OF 20'-0" TO 8'-0" AT SOUTHWEST SIDE.

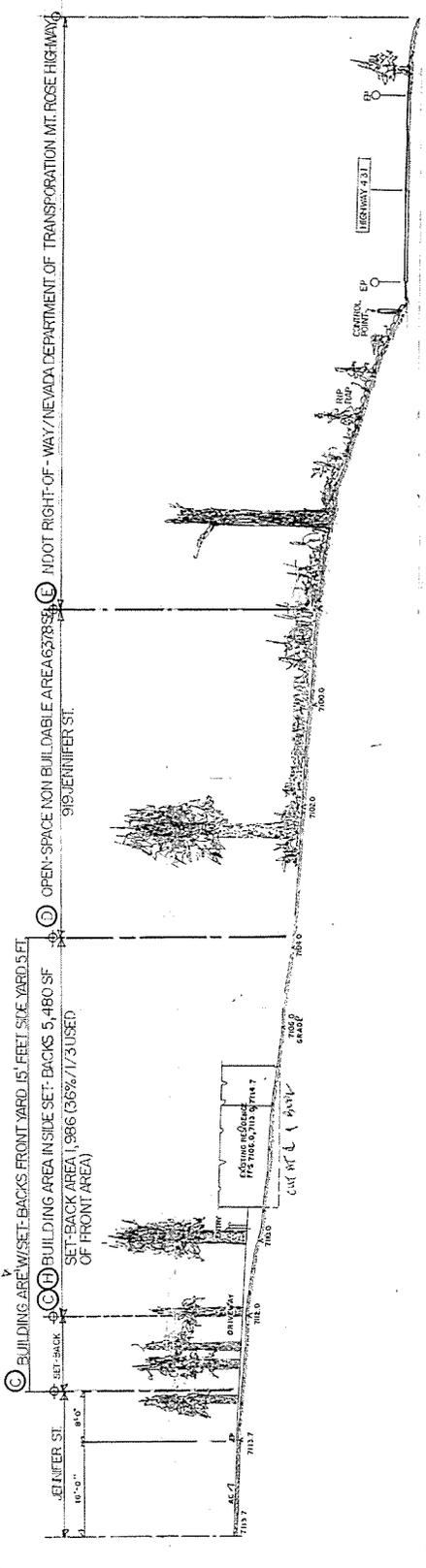


PROJECT: GARAGE/CARPORT, ENTRY AND DECK, TRPA ALLOWED HEIGHT.  
 PROCESS: VARIANCE FRONT SETBACK TO 8'-0"  
 LOCATION: 919 JENNIFER STREET INCLINE VILLAGE NEVADA 89451  
 LEGAL: LOT 4, BLOCK 'M', INCLINE VILLAGE UNIT NO. 1A  
 OWNERS: BRITA, ROBERT AND DIANA  
 INCLINE VILLAGE, NEVADA 89450

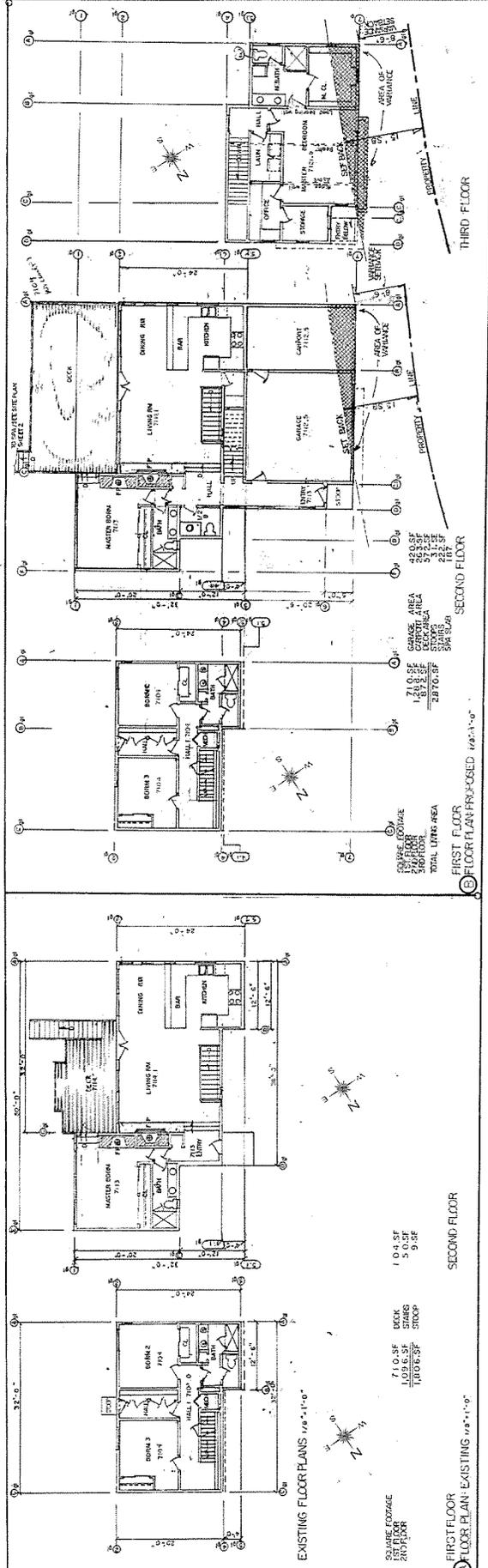








**(S)** AREA SECTION 1/16" = 1'-0"



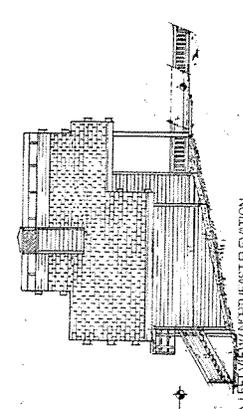
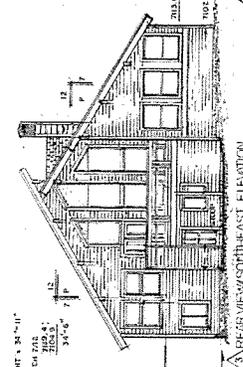
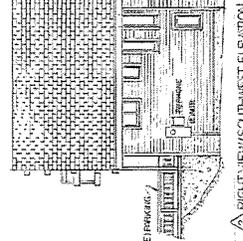
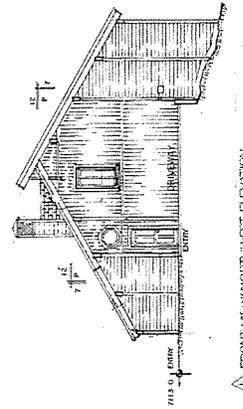
**(A)** FIRST FLOOR EXISTING 1/8" = 1'-0"

**(B)** SECOND FLOOR EXISTING 1/8" = 1'-0"

**(C)** FIRST FLOOR PROPOSED 1/8" = 1'-0"

**(D)** SECOND FLOOR PROPOSED 1/8" = 1'-0"

**(E)** THIRD FLOOR PROPOSED 1/8" = 1'-0"



**(A)** FRONT VIEW NORTHWEST ELEVATION

**(B)** RIGHT VIEW SOUTH-WEST ELEVATION

**(C)** REAR VIEW SOUTH-EAST ELEVATION

**(D)** LEFT VIEW NORTH-EAST ELEVATION

SCALE AS NOTED  
 FRONT PLAN DETAILING, APPROVED, FULL SECTION



- (4) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the variance; and
  - (5) All General Improvement Districts (GID) for the area in which the property that is the subject of the variance is located.
- (b) Notice of Property Owners by Electronic Means. If requested by a party pursuant to subsection (a) of this section and if receipt can be verified, an electronic notice must be provided at least ten (10) days before the meeting, setting forth the time, place, purpose of hearing, and map or physical description of the land involved.
  - (c) Number of Notices. If the number of notices sent pursuant to this section does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.
  - (d) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

*[This Section amended by Ord. 924, provisions eff. 2/6/95; Ord. 951, provisions eff. 6/7/96.]*

✓ **Section 110.804.25 Findings.** Prior to approving an application for a variance, the Board of Adjustment, the Planning Commission or hearing examiner shall find that all of the following apply to the property:

✓ (a) Special Circumstances. Because of the special circumstances applicable to the property, including either the:

|  |
|--|
| (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or |
|--|

(2) By reason of exceptional topographic conditions, or

(3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings,

the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;

✓ (b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;

✓ (c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated; and

## Variance Application Supplemental Information

(All required information may be separately attached)

1. What provisions of the Development Code (e.g. front yard setback, height, etc.) must be waived or varied to permit your request?

Exist front yd setback 15 feet/ reduce to 8 feet  
at south end of property.

**You must answer the following questions in detail. Failure to provide complete and accurate information will result in denial of the application.**

2. What are the topographic conditions, extraordinary or exceptional circumstances, shape of the property or location of surroundings that are unique to your property and, therefore, prevent you from complying with the Development Code requirements?

Zoning established in 1960 open space easement with WC County  
setbacks in 1990's. See sheet A2 for exhibits A-J

3. What steps will be taken to prevent substantial negative impacts (e.g. blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

No views blocked. Guest parking off provided. No privacy  
issues, keep ext. side yard setbacks. View clear for backout

4. How will this variance enhance the scenic or environmental character of the neighborhood (e.g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of neighbors, etc.)?

Providing covered parking (non now) for cars at residence.  
Thus eliminate cluttered of views on street.

5. What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?

Other property with same zoning restrictions had been granted  
front yard setbacks changes on street. No special privilege

6. Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?

Yes     No    If yes, please attach a copy.

7. How is your current water provided?

IVGID

8. How is your current sewer provided?

IVGID

## Letter of Representation

To Whom It May Concern:

We give authority, a limited power of attorney, to Wayne Ford of Wayne Ford Residential Design, to represent us, (Diana Birta & Calin Birta) in the obtaining of a variance to reduce the front yard setback for our property on 919 Jennifer, Incline Village, NV, 89451, APN: 125-361-12.

This is for the construction of a two-car garage with an attached carport. The project has also living area above and a new entry system. At the rear of the existing residence will be the expansion of the rear deck, which will be partially covered by a roof and a stair system to a spa below.

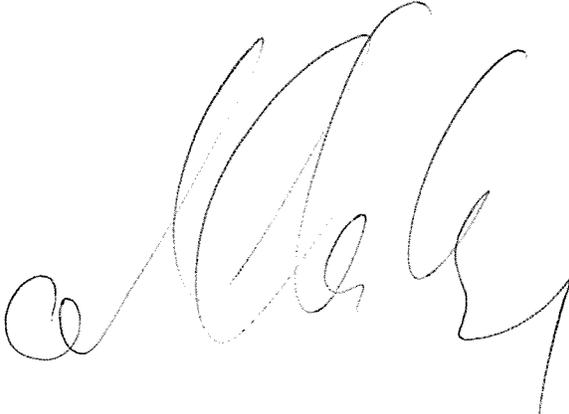
Respectfully,

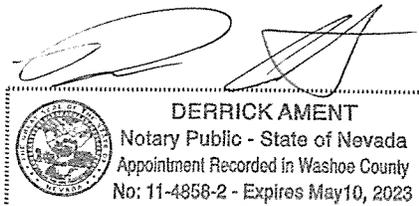
Diana Birta & Calin Birta

Diana Birta  
(775) 848-7460  
919 Jennifer,  
Incline Village, NV, 89451  
APN: 125-361-12

 / 11/22/2021

Calin Birta  
(775) 230-2220  
919 Jennifer,  
Incline Village, NV, 89451  
APN: 125-361-12

  
11/22/2021



STATE OF NEVADA  
COUNTY OF WASHOE  
THIS INSTRUMENT WAS ACKNOWLEDGED  
BEFORE ME ON 11/22/2021  
BY Diana Birta and  
Calin Birta

April 3, 2021

To Whom It May Concern:

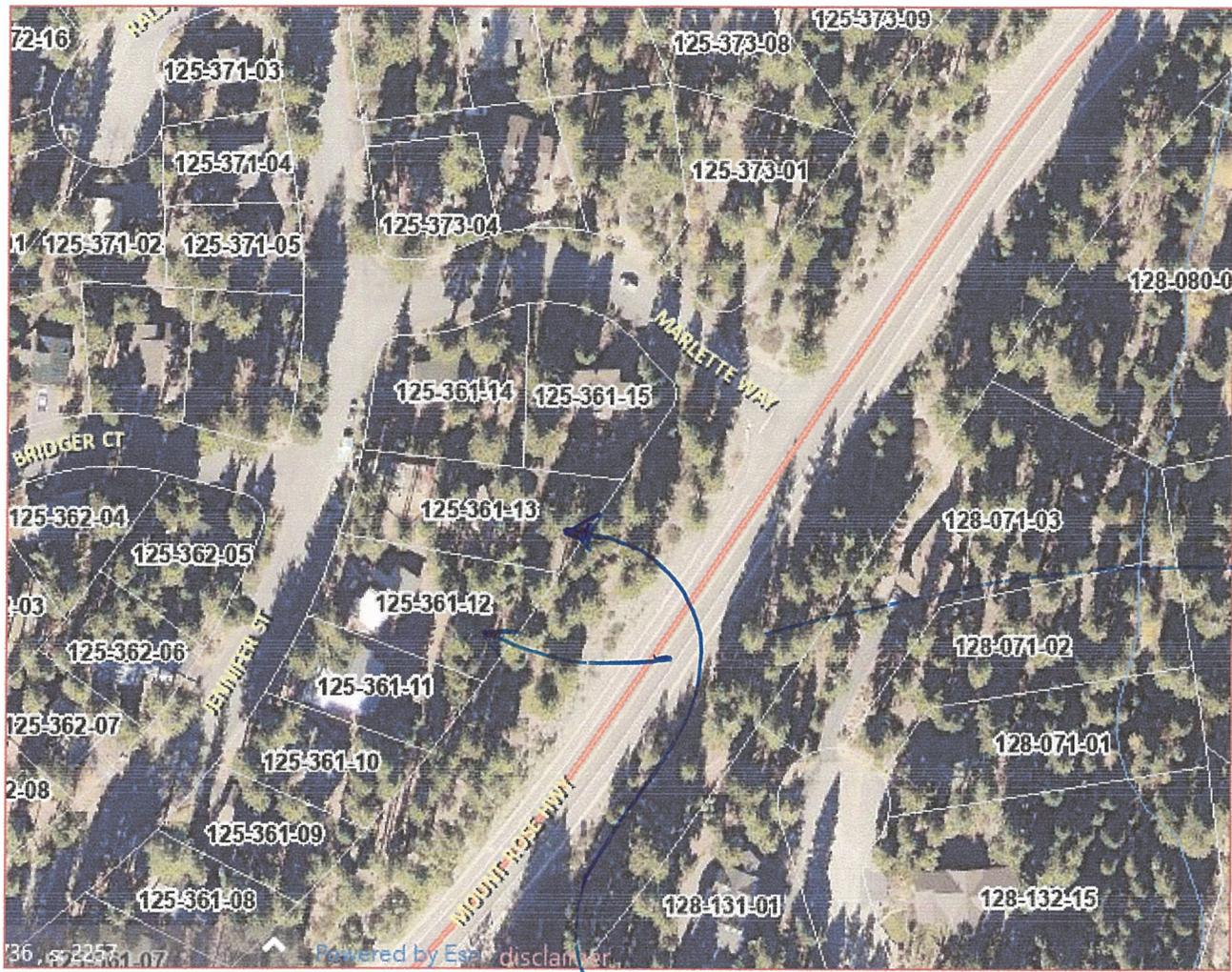
Our next-door neighbors, Robert Birta and his family, want to build a garage on the front of their house. The garage would need to extend into the county easement on the street side of the house. The elevation here is 7100 feet and during a big winter, the weather can be brutal, even dangerous.

We are in the process of building a garage after 26 years here, and completely understand the need for one at this elevation. We have absolutely no objection to Washoe County waiving the required setback for the Birta's new garage.

Sincerely,

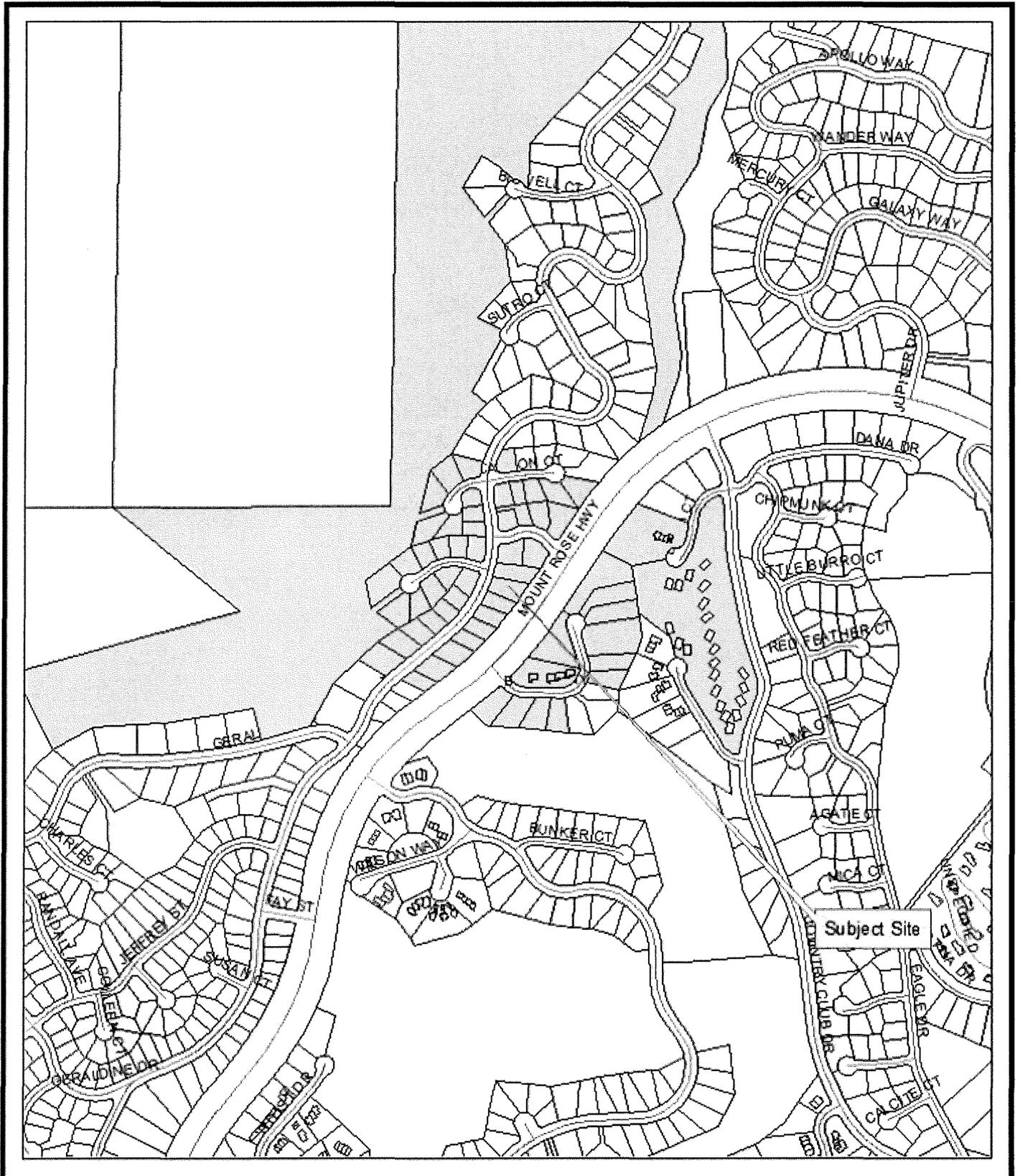
  
Jim and Kim Schmidt





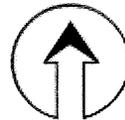
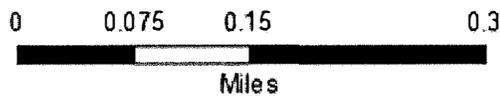
919  
BIRTH

125-361-13 Schmidt.  
LEPPER  
921 Jennifer



Mailing and Vicinity Map

WPVAR21-0004 Notice Map  
 65 parcels selected at 500 feet



Community Services  
 Department



1201 G. Neff St.  
 Reno, Nevada 89512 (775) 335-0900

| Date     | Record Number | Record Type                                 | Project Name       | Address  | Status/ Agency      | Description   |
|----------|---------------|---|--------------------|--|---------------------|---|
| 9/6/'19  | WBLD19-103037 | Utility Permit                              | UTILITY UPGRADES   | 919 JENNIFER ST<br>INCLINE VILLAGE<br>NV 89451 | Finalized<br>WASHOE | CHANGE OUT 20' OF SEWER LINE TO CAST IRON / STUB OUT WATER LINE FOR FUTURE FIXTURES TO OUTDOOR SINK, FRIDGE, AND POT FILLERS / 10' GAS LINE FOR OUTDOOR BBQ / NEW 150K BTU BOILER FOR HYDRONIC HEATING THROUGH OUT HOUSE/ WATER |
| 9/6/'19  | WBLD19-103042 | Residential New, Addition or Remodel Permit | BATHROOM REMODELS  | 919 JENNIFER ST<br>INCLINE VILLAGE<br>NV 89451 | Finalized<br>WASHOE | REMODEL IN MASTER BATHROOM TO CHANGE OUT TUB TO SHOWER WITH NEW SHOWER PAN AND FIXTURE / DOWN STAIRS BATHROOM REMODEL TO CHANGE OUT TUB LIKE FOR LIKE WITH NEW FIXTURE / NO CHANGE TO FIXTURE COUNT                             |
| 8/21/'19 | WBLD19-102784 | Utility Permit                              | ELECTRICAL - BIRTA | 919 JENNIFER ST<br>INCLINE VILLAGE<br>NV 89451 | Finalized<br>WASHOE | ADD CAN LIGHTS TO KITCHEN AND DINNING AREA / CHANGE OUT SERVICE PANEL TO 200 AMP  |
| 8/21/'19 | WBLD19-102785 | Residential New, Addition or Remodel Permit | DRYWALL - BIRTA    | 919 JENNIFER ST<br>INCLINE VILLAGE<br>NV 89451 | Finalized<br>WASHOE | REPLACE DRYWALL IN KITCHEN, DINNING ROOM, AND LIVING ROOM   |
| 7/8/'19  | WBLD19-102283 | Residential Reroof Permit                   | BRITA - REROOF     | 919 JENNIFER ST<br>INCLINE VILLAGE<br>NV 89451 | Finalized<br>WASHOE | REROOF COMP SHINGLE   |