

# Washoe County Appeal of Decision to Board of Adjustment

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.

## Appeal of Decision by (Check one)

**Note:** Appeals to the Washoe County Board of Adjustment are governed by WCC Section 110.910.15(i), WCC Section 110.912.10(j), and NRS 278.310.

☐ Administrative Hearing Officer

☐ County Building Official

☒ Director, Planning and Building Division

### Fire Code Official

☐ Director, Engineering and Capital Projects Division

☐ North Lake Tahoe Fire Protection District

☐ Truckee Meadows Fire Protection District

## Appeal Date Information

**Note:** This appeal must be delivered in writing to the offices of the Planning and Building Division or the Washoe County Building Official within 10 (ten) calendar days from the date that the decision being appealed is communicated in writing to the appellant.

**Note:** The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).

Date of this appeal: June 5, 2024

Date of action by County: June 4, 2024

Date of decision for which appeal is being filed: \_\_\_\_\_

Project Location: 947 Incline Way #1102, Incline Village, NV 89451

## Appellant Information

Name: Kathleen Magnani

Phone: (916) 952-9354

Address: 7157 Roycroft Dr.

Fax: \_\_\_\_\_

Email: mtn2ocean@aol.com

City: Roseville

State: CA

Zip: 95678

Cell: (916) 952-9354

Specific action by the County being appealed:

Reduced our STR occupancy from 6 to 4.

Describe why the decision should or should not have been made:

(please see separate page attached to this one).

Cite the specific outcome you are requesting with this appeal:

I am requesting an occupancy of 5 for my STR with 2 parking spaces. We market to families with young children. Most of our guests are 2 adults with 2-3 children.

Describe your basis as an aggrieved party. The basis must include the nature and location of your property interest and the manner in which the property interest will be affected by the appealed decision.

I have a 2 bedroom, 2 bathroom unit in McCloud, with enough "habitable space" for 6 people. If my appeal would allow 5 people, then parents with 3 small children, arriving in one car, would be legal.

Did you speak at the public hearing when this item was considered? <sup>there was not a public hearing</sup> ☐ Yes ☒ No

Did you submit written comments prior to the action on the item being appealed? ☒ Yes ☐ No <sup>to the Code Enforcement officer.</sup>

### Appellant Affidavit

STATE OF NEVADA <sup>STW</sup> CA

COUNTY OF <sup>Placer</sup> WASHOE <sup>STW</sup>

I, Kathleen Magnani being duly sworn, depose, and say that I am an appellant  
(print name)

seeking the relief specified in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by staff of the Planning and Building Division.

Signed Kathleen Magnani  
Address 7157 Roycroft Dr  
Roseville, CA 95678  
Phone: (916) 952-19354

Subscribed and sworn to before me this  
5 day of June, 2024.

[Signature]  
Notary Public in and for said county and state

My commission expires: 12-4-24

(Notary Stamp)



## Describe why the decision should or should not have been made:

The decision to reduce our STR occupancy from 6 persons to 4 persons was based on parking alone.

### STR Parking Standards.

In areas outside the jurisdiction of the Tahoe Regional Planning Agency (TRPA), parking standards applicable to all residential uses, or the parking standard adopted at the time of original building permit approval of the residence, shall apply. Within the jurisdictional boundaries of the TRPA, the following parking standards shall be adhered to:

(1) No STR parking is allowed within access easements or the public rights-of-way.

No guests at my STR are allowed to park on the street or within easements. All must park my garage and/or in one of the McCloud 8 parking lots with a McCloud Parking permit.

(2) All parking spaces must be: improved to Tahoe Regional Planning Agency (TRPA) standards; developed on-site within property boundaries; and dedicated specifically for parking. In multi-unit complexes, parking must be in designated parking spaces (if applicable) and limited to the number of spaces allotted to the unit.

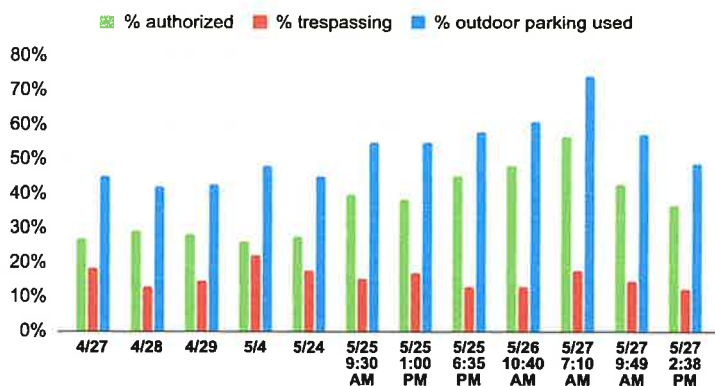
Each unit in McCloud is assigned a single car garage space, plus two additional parking passes to be used in the outdoor lots. Owners are expected to use their garages to park one car. Storage in the garage is not allowed by HOA rules and regulations. Oversized vehicles that do not fit in garages use the outdoor lots. Our parking lots are for McCloud residents only, and all owners must display a parking pass. I have 2 parking passes in addition to my garage.

(3) One parking space is required for every four occupants.

This does not say that if you have one parking space, only 4 guests can occupy your living space. 99% of our guests are families with small children. 5 people – parents and 3 children) can arrive in one car, using only 1 parking space. If my condo, prior to this year, could accommodate 6 guests, why couldn't 5 or 6 guests arrive in 1 car? Note: we do not want 6 guests and have not accepted requests for 5 or 6 adults.

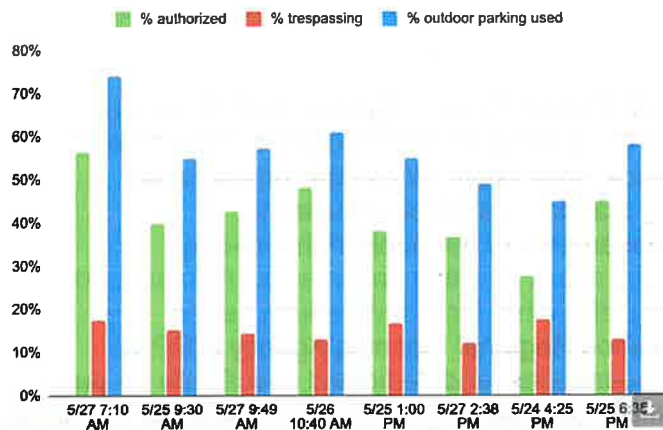
(4) Within the Tahoe Basin, on-site STR parking may be limited and may require approval of TRPA coverage. Limitations such as these and other factors do not reduce or eliminate the requirement for on-site parking. Inability to develop the appropriate number of parking spaces on-site will subsequently limit the maximum number of occupants allowed by the STR permit. McCloud has on-site parking. Only 30% of the owners live there full-time. The busiest week/weekend (4<sup>th</sup> of July), will have mostly full lots, but not 100% full. Data has been collected by the Parking Committee at McCloud, beginning in April, 2024:

McCloud 4/27-5/2/24 outdoor parking use



Data that has been collected over Memorial Weekend showed:

McCloud 5/24-5/27/24 outdoor parking use, sorted by time-of-day



It is too early to gather data for 4<sup>th</sup> of July and the week surrounding that holiday.

My greatest point is that there is room in the parking lots, ON-SITE, for owners and renters to park their cars with a parking permit. This does not impact Incline Village streets in any way.

I also urge you to look and see if there have been any STR parking violations within McCloud Condominium complex.

- i. (c) In extraordinary and limited circumstances within the Tahoe Basin, the Planning and Building Division Director is authorized to consider reducing or relocating the required parking spaces in circumstances where the property owner has provided sufficient evidence that the request is warranted and will not unduly impact surrounding properties. Such requests shall be made by submitting a director's modification of standards application.

I am requesting that an occupancy of 5 be granted for my STR. My garage is available for STR guests, and I have 2 additional parking passes in the rare instance that 2 cars are brought to McCloud for my guest's stay.