



Board of Adjustment Staff Report

Meeting Date: October 4, 2018

Agenda Item: 8C

VARIANCE CASE NUMBER: WPVAR18-0007 (SYGO – Yount Elevator)

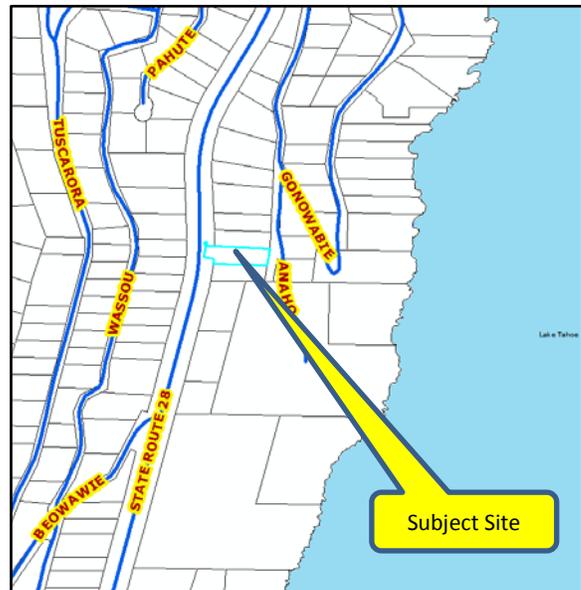
BRIEF SUMMARY OF REQUEST: To reduce the side yard setback from 5 feet to ±2 inches to allow for the construction of an elevator within a residence along the north side property line.

STAFF PLANNER: Planner's Name: Roger Pelham, Senior Planner
Phone Number: 775.328.3622
E-mail: rpelham@washoecounty.us

CASE DESCRIPTION

For possible action, hearing, and discussion to approve a variance to reduce the side yard setback from 5 feet to ±2 inches to allow for the construction of an elevator within a residence along the north side property line.

Applicant/Property Owner:	G. Stuart and Geraldine M. Yount Family Trust
Location:	400 State Route 28, Crystal Bay
APN:	123-144-12
Parcel Size:	±8,712 square feet
Master Plan:	Suburban Residential (SR)
Regulatory Zone:	High Density Suburban (HDS)
Area Plan:	Tahoe
Citizen Advisory Board:	Incline Village/Crystal Bay
Development Code:	Authorized in Article 804, Variances
Commission District:	1 – Commissioner Berkbigler



STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

DENY

POSSIBLE MOTION

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR18-0007 for SYGO – Yount Elevator, being unable to make all required findings in accordance with Washoe County Development Code Section 110.804.25.

(Motion with Findings on Page 11)

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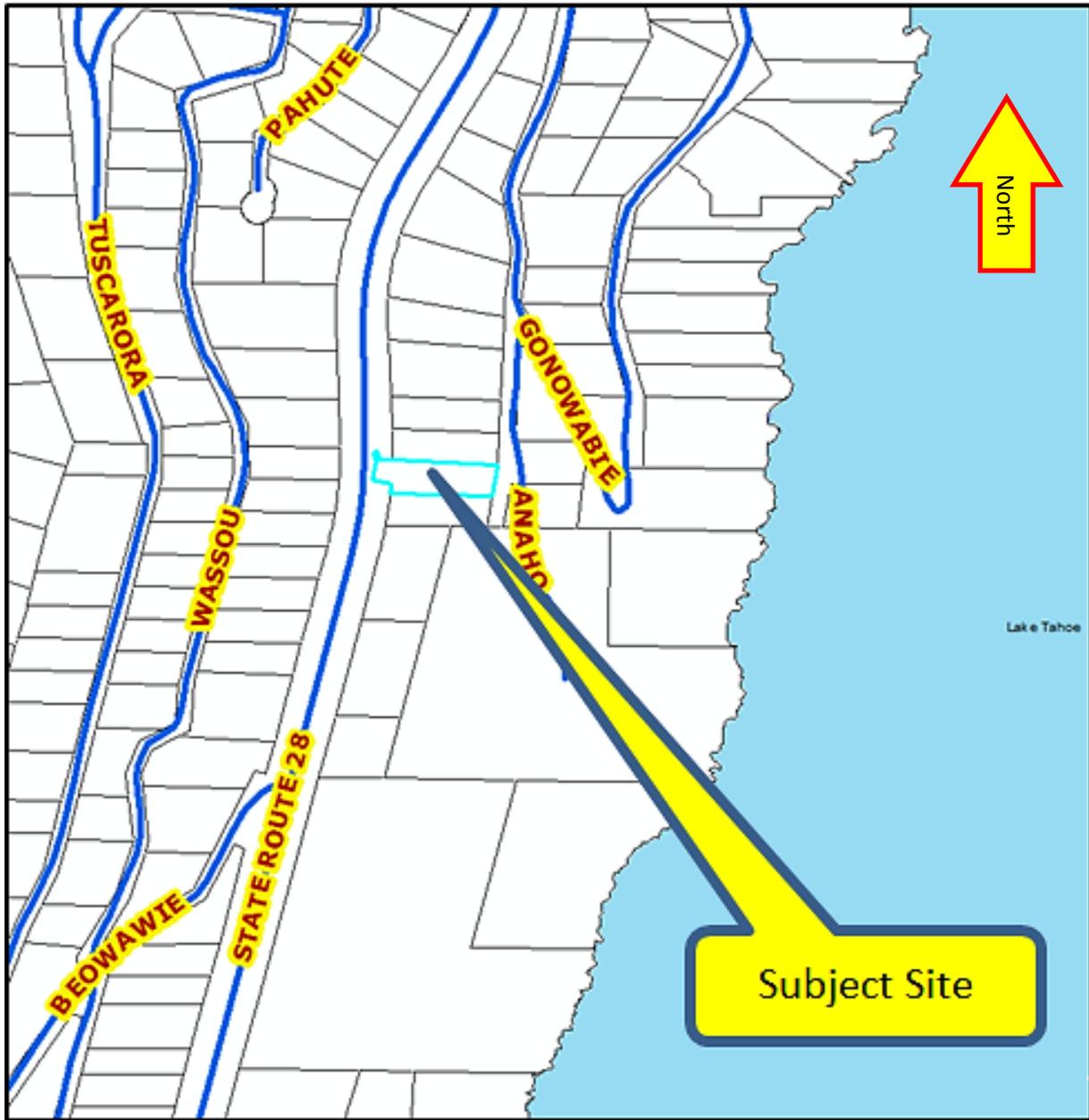
Variance Definition

The purpose of a Variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique to the property involved; and to provide for a procedure whereby such alterations might be permitted by further restricting or conditioning the project so as to mitigate or eliminate possible adverse impacts. If the Board of Adjustment grants an approval of the Variance, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., a grading permit, a building permit, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy on a structure.
- Prior to the issuance of a business license or other permits/licenses.
- Some Conditions of Approval are referred to as "Operational Conditions." These conditions must be continually complied with for the life of the business or project.

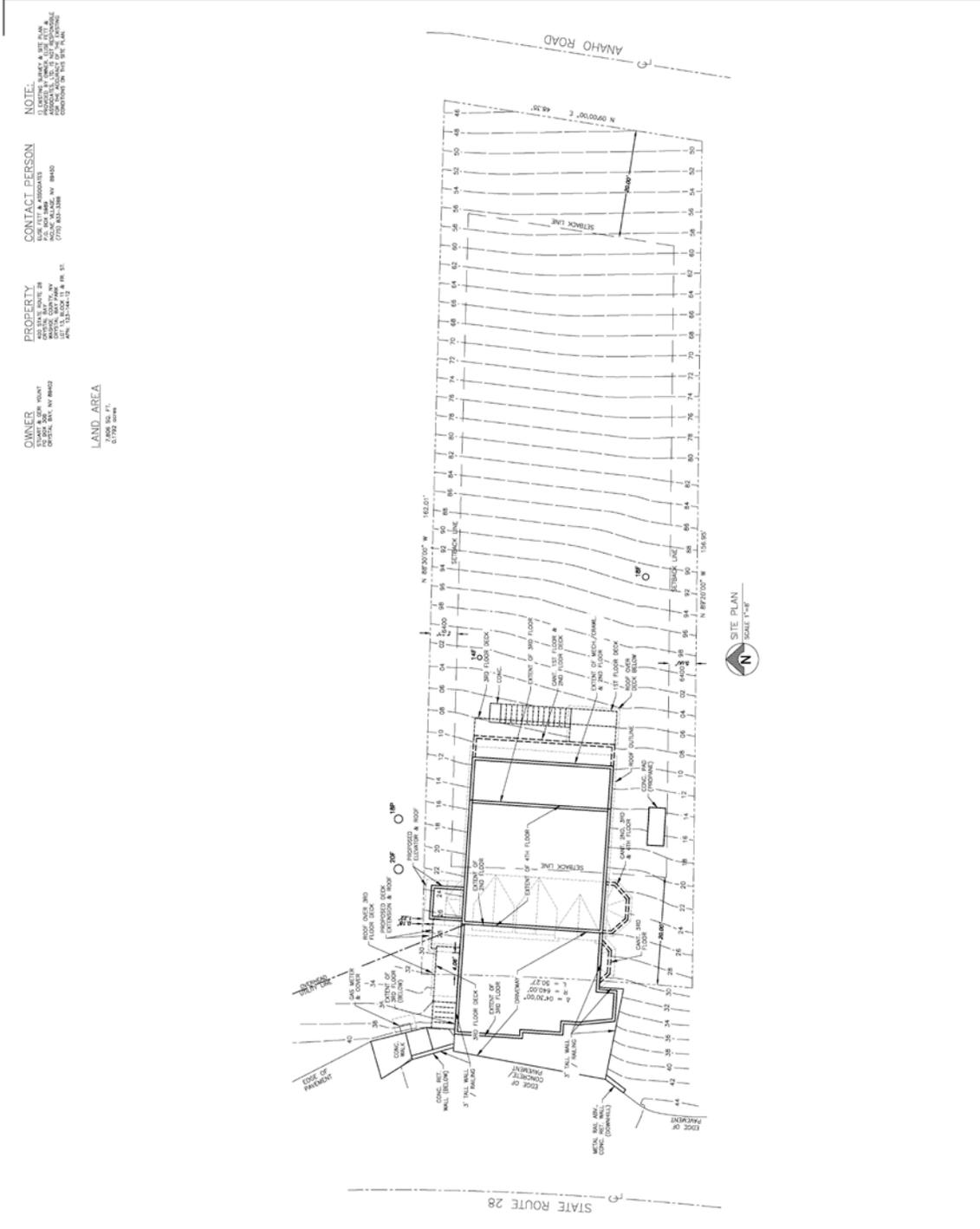
The Conditions of Approval for Variance Case Number WPVAR18-0006 are attached to this staff report and if granted approval, will be included with the Action Order.

The subject site consists of one parcel of land, approximately 8,700 square feet in size. The parcel is master planned as Suburban Residential (SR) and is has a regulatory zone of High Density Suburban (HDS). One dwelling is permissible on the parcel of land. Variances to setback standards for expansion of existing dwellings are permissible subject to the provisions of Article 804, Variances of the Washoe County Development Code.



Vicinity Map

REVISIONS BY DATE	ELISE FETT & ASSOCIATES, LTD. ARCHITECTURE AIA • ROC ENGINEERING P.O. BOX 9989 NEVADA 89430 PHONE: (775)933-2388 FAX: (775)933-2388 elise@eliseandfett.com	400 STATE ROUTE 28 CRYSTAL BAY PARK, LOT 13, BLOCK 11 & PR ST WASHOE COUNTY, NV APN: 123-144-12
SHEET SP-1		



OWNER
 SYGO
 400 STATE ROUTE 28
 CRYSTAL BAY, NV 89430

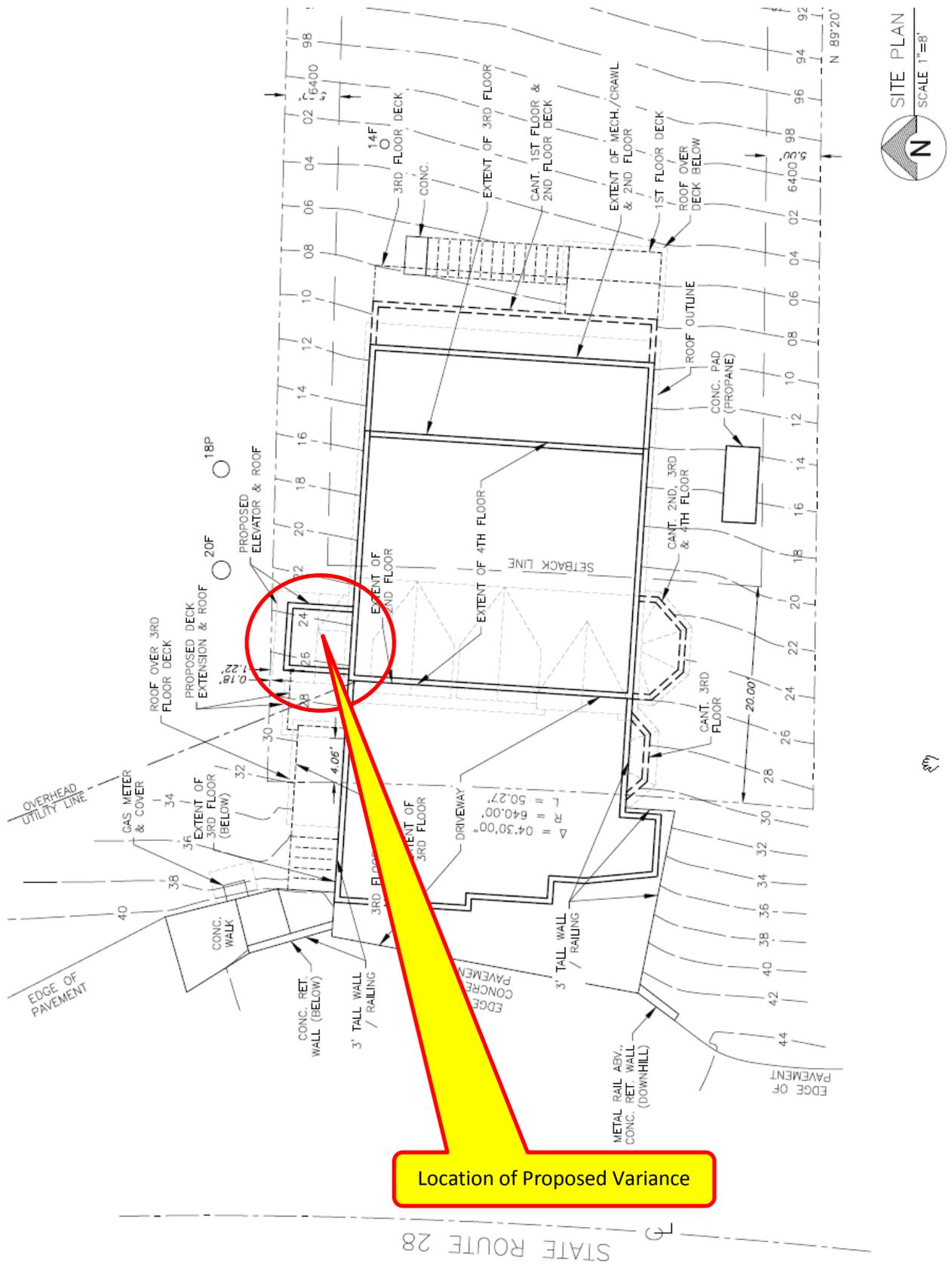
LAND AREA
 4.776 ACRES
 207,921 SQ. FT.

PROPERTY
 400 STATE ROUTE 28
 CRYSTAL BAY, NV 89430
 LOT 13, BLOCK 11 & PR ST
 APN: 123-144-12

CONTACT PERSON
 JIM WILSON
 400 STATE ROUTE 28
 CRYSTAL BAY, NV 89430
 (775) 933-2388

NOTE:
 THIS PLAN IS BASED ON THE AS-BUILT RECORD DRAWINGS FOR THE EXISTING BUILDING. THE EXISTING BUILDING IS LOCATED AT THE CORNER OF STATE ROUTE 28 AND ANNAHO ROAD.

Proposed Site Plan



Proposed Site Plan Detail



Overhead Photo

Project Evaluation

The applicant is requesting to reduce the side yard setback on the north side of the parcel of land from 5 feet to approximately 2 inches to facilitate the construction of an elevator as an addition to the existing dwelling.

It is important to recognize that Nevada Revised Statutes (NRS) limits the power of the Board of Adjustment to grant variances only under particular circumstances. The applicant has the responsibility to demonstrate that the subject property exhibits one or more of the following characteristics to demonstrate a hardship: 1) exceptional narrowness, shallowness, or shape of a specific piece of property; or 2) by reason of exceptional topographic conditions; or 3) other extraordinary and exceptional situation or condition of the piece of property. If such a finding of fact can first be made, then the Board must also show that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

It is the opinion of staff that this parcel of land does not demonstrate such circumstances.

The regulatory zone of the subject parcel of land is High Density Suburban (HDS). The minimum lot width for that zone is 60 feet. The subject parcel is approximately 48 feet in width. While the parcel is narrower than would be allowed, if it were a newly created parcel, there remains approximately 16 feet between the foundation of the dwelling and the southern property line. Thus the narrowness is not "exceptional."

The subject parcel is approximately 157 feet in depth. The subject parcel is not exceptionally shallow.

The subject parcel is essentially rectangular. There are several odd angles to the property line adjacent to State Route 28, that do not affect the proposed variance. The parcel is not exceptionally shaped.

The subject parcel contains a significant down-slope from State Route 28 to Anaho Road. Similar slopes are common in the Tahoe Area and in Crystal Bay area in particular. The slope does not inhibit the construction of an elevator adjacent to the south side or east end of the existing dwelling.

The application includes a letter from the applicant's physician recommending the installation of an elevator. While staff is sympathetic to the needs of the applicant, the characteristics of the applicant, generally speaking, do not enter into the evaluation of a variance request, unless there is no other means to reasonably accommodate the addition.

The District Attorney's office has provided the following advice regarding whether the Americans with Disabilities Act (ADA) and the Fair Housing Act should be taken into consideration by the Board of Adjustment in this case. That advice follows:

Within the context of the findings applicable to this application, the Fair Housing Act should also be taken into consideration by the Board of Adjustment.

Fair Housing Act

The FHA has broader application in this context than the related Americans with Disabilities Act (ADA) (discussed more below). The FHA makes it unlawful for counties to discriminate against persons with disabilities in connection with their ability to use or enjoy their residences. See *Gamble v. City of Escondido*, 104 F.3d 300, 307 (9th Cir. 1997). Below is an excerpt of the general framework of rules requiring a county to make reasonable accommodations in its standards (building permit, SUP, etc.) for persons with disabilities:

A municipality commits discrimination under section 3604(f)(3)(B) of the FHA if it refuses "to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford [the physically disabled] equal opportunity to use and enjoy a dwelling." A dwelling is defined as "any building, structure, or portion thereof which is occupied as,

or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.” 42 U.S.C. § 3602(b).

These portions of the statute affirmatively require the County to make reasonable accommodations for handicapped residences. See *City of Edmonds*, 18 F.3d at 806; *Turning Point, Inc. v. City of Caldwell*, 74 F.3d 941, 945 (9th Cir.1996).

Under these provisions, the County would be required to make a reasonable accommodation of a homeowner’s disabilities in the application of the county’s building and permitting standards. However, the key question is whether this is a reasonable accommodation. That is a judgment call. Reasonable accommodations must be made with respect to use of “dwellings” by persons with disabilities. 42 U.S.C. 3604(f)(3)(B). This is much broader as the intent of the law is to assist persons with disabilities being able to reasonably enjoy the use of their private residences as much as possible despite their disabilities. In this context, this means that the Board of Adjustment should make a judgment call about whether the requested deviation of the setback for the elevator is in fact a “reasonable accommodation” of the disabilities cited in this case.

Americans with Disabilities Act:

Although it may seem logical that the Americans with Disabilities Act (ADA) would have some applicability here, it likely does not. This is because the ADA probably does not apply here because this is a single family dwelling. The reason is that the ADA generally does not apply to single family dwellings because they are not “public accommodations.” See *Independent Housing Services of San Francisco v. Fillmore Center Associates*, 840 F. Supp. 1328, 1344 (N.D. Cal. 1993). Thus, while the FHA probably is applicable and should be considered according to the framework set out above, the ADA likely does not apply.

The addition may be reasonably located to the south or east sides of the existing structure without encroaching upon the required building setbacks. It is understood that placement of the elevator on the south side or east end of the dwelling may be less desirable to the applicant, but the elevator can be constructed in another location without encroaching into the required building setbacks.

Comments on other required findings of fact are included later in this report, however, it is also relevant to note that the roof overhang is proposed to be located two inches from the north property line. The parcel of land to the north is owned by the US Forest Service (USFS). If the variance is granted, it is reasonable to expect that construction occurring within two inches of public land would create disturbance and impact to the public land. Also, water and snow run-off will occur from the roof onto the adjacent public land. For these reasons, staff cannot make the finding of no detriment because the proposed variance would likely “create a substantial detriment to the public good [and] substantially impair affected natural resources.”

The applicant’s representative noted at the Citizen Advisory Board meeting that Tahoe Regional Planning Agency (TRPA) regulations also constrain the design of the elevator. TRPA regulations are applicable to all development within the Tahoe Basin and, therefore, do not constitute an extraordinary and exceptional situation or condition.

Staff believes that the required finding of hardship cannot be made, nor can the finding that there would be no detriment.

Incline Village / Crystal Bay Citizen Advisory Board (IV/CB CAB)

The proposed project was presented by the applicant’s representative at the regularly scheduled Citizen Advisory Board meeting on September 4, 2018. The attached CAB minutes reflect discussion on the following items:

Elise Fett, representative, said the existing property is steep and narrow with a 40% slope on the property. She said they spent days in discussion with TRPA regarding allowable height code restrictions. She spoke about alternative locations that were not approved by TRPA. She said that

there is no possible way to use a chair lift with circular stairwell. She said in regards of placement on the property, this is best we can do. She explained how the owners would access the house with the proposed elevator – they would access through the corner of the garage upstairs, corner of the exterior of the house to the deck, and coming into the kitchen, and into the closet downstairs. She said we are not requesting to go all the way to the bottom level.

The CAB voted to recommend approval of the variance.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation.

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects – Land Development
- Washoe County Health District
 - Environmental Health
- Washoe-Storey Conservation District
- Regional Transportation Commission
- Incline Village General Improvement District
- Nevada State Lands
- North Lake Tahoe Fire Protection District
- Tahoe Regional Planning Agency
- US Forest Service

Of the above-listed agencies/departments only the Incline Village General Improvement District provided a comment, noting that the proposed variance would not have an Impact. Washoe County Planning and Building is recommending denial of the application as noted in this report.

Staff Comment on Required Findings

Washoe County Development Code Section 110.804.25, Article 804, *Variances*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the variance application and has determined that the proposal is not in compliance with the required findings as follows.

1. **Special Circumstances.** Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; 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.

Staff Comment: The slopes and size of the subject site do not require the elevator to be located in the location proposed. There is sufficient area, within the required building setback for the addition to be placed on the south side of the existing dwelling. There are challenges on the subject site, but they do not rise to the level of creating an exceptional and undue hardship upon the owner of the property. The addition to the dwelling should be redesigned.

2. **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.

Staff Comment: *If the variance were granted construction would occur within two inches of public land. Disturbance of that public land is likely. Also, if the variance were granted water and snow run-off will occur from the roof onto the adjacent public land, as the roof overhang is proposed to be located just two inches from the northern property line. The proposed variance is likely to create a substantial detriment to the public good by disturbing public land and creating additional storm-water run-off on public land.*

3. 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.

Staff Comment: *Because there are no special circumstances applicable to the subject site, that rise to the level of creating an exceptional and undue hardship upon the owner of the property, the requested variance would grant special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone.*

4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Staff Comment: *The addition of an elevator to an existing dwelling is a use that is allowed in the High Density Suburban zone, as long as required building setbacks are maintained..*

5. Effect on a Military Installation. Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

Staff Comment: *There is no military installation within the area required to be provided notice of this request. Therefore, there can be no detrimental effect on the location, purpose or mission of a military installation.*

Recommendation

Those agencies which reviewed the application provided no substantive comments, other than the Planning and Building Division. Therefore, after a thorough analysis and review, denial of Variance Case Number WPVAR18-0006 is being recommended. Staff offers the following motion for the Board's consideration.

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR18-0006 for G. Stuart and Geraldine M. Yount Family Trust, being unable to make all required findings in accordance with Washoe County Development Code Section 110.804.25, particularly "Special Circumstances," "No Detriment" and "No Special Privileges":

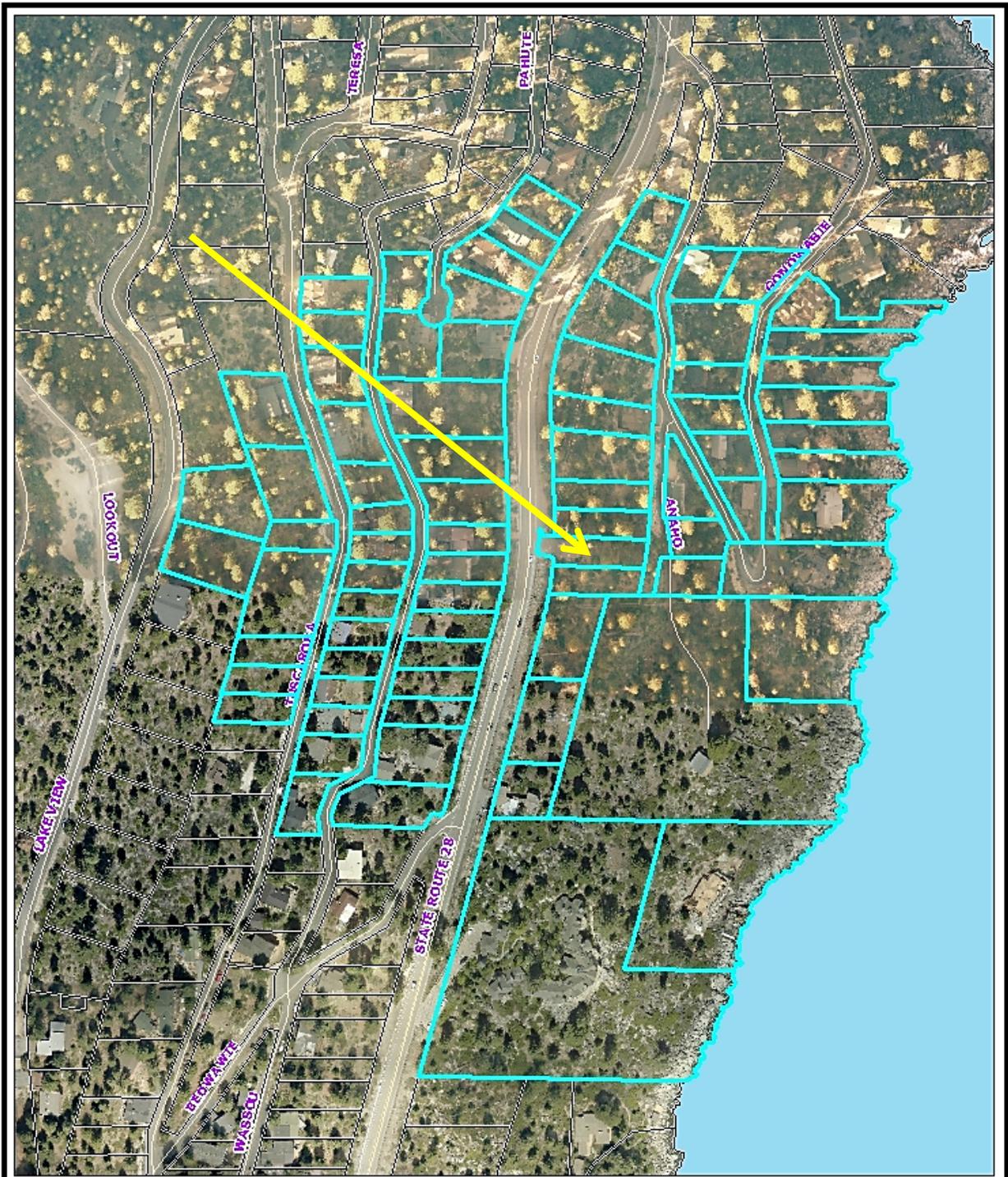
1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property; exceptional topographic conditions; extraordinary and exceptional situation or condition of the property and/or location of surroundings; the strict application of the regulation results in exceptional and undue hardships upon the owner of the property;
2. 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;
3. 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;
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;

Appeal Process

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant, unless the action is appealed to the Washoe County Board of County Commissioners, in which case the outcome of the appeal shall be determined by the Washoe County Board of County Commissioners. Any appeal must be filed in writing with the Planning and Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

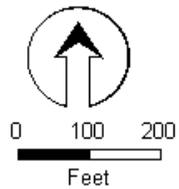
Applicant/Property Owner: G. Stuart and Geraldine M. Yount Family Trust
PO Box 308
Crystal Bay, NV 89402

Representatives: Elise Fett
PO Box 5989
Incline Village, NV 89450



WPVAR18-0007 (Yount Variance)
 Noticed 500 feet & 78 parcels

Noticing Map



Community Services
 Department



Post Office Box 11130
 Reno, Nevada 89520 (775) 328-3600

Source: Planning and Building Division

Date: Oct 2018



Development Review Status Sheet

Date: 8-21-18

Attention: Roger Pelham, Senior Planner

RE: Variance Case Number WPVAR18-0007
APN: 123-144-12
Service Address: 400 State Route 28, Crystal Bay
Incline Village NV 89451
Owner: G. Stuart and Geraldine M. Yount Family Trust

Variance Case Number WPVAR18-0007 (SYGO – Yount Elevator) – For possible action, hearing, and discussion to approve a variance to reduce the side yard setback from 5 feet to 1 foot 2.5 inches to allow for the construction of an elevator within a residence along the north side property line.
• Owner/Applicant: G. Stuart and Geraldine M. Yount Family Trust
• Location: 400 State Route 28, Crystal Bay
• Assessor’s Parcel Number: 123-144-12
• Parcel Size: 8,712 square feet
• Master Plan Category: Suburban Residential (SR)
• Regulatory Zone: High Density Suburban (HDS)
• Area Plan: Tahoe Area Plan
• Citizen Advisory Board: Incline Village/Crystal Bay CAB
• Development Code: Authorized in Article 804, Variances
• Commission District: 1 – Commissioner Berkgigler
• Staff: Roger Pelham, Senior Planner
Washoe County Community Services Department
Planning and Building Division
• Phone: 775-328-3622
• E-mail: rpelham@washoecounty.us

Comments: No Impact to the Incline Village General Improvement District.

Completed by: Tim Buxton, Chief Inspector
Phone: (775) 832-1246 Fax: (775) 832-1260

Incline Village General Improvement District, 1220 Sweetwater Road, Incline Village NV 89451

The contents of this transmission are intended only for the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone and return the original to us at the above address via US Postal Service. We will reimburse you for your postage. Thank you.

Note: Send information to the case planner as prescribed on the memo from Dawn or the Washoe County Development. TLB

Community Services Department
Planning and Building
VARIANCE APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89520

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.

Project Information		Staff Assigned Case No.: _____	
Project Name: SGYO - Yount Elevator Variance			
Project Description: Add elevator at entry of existing single family home.			
Project Address: 400 State Route 28 Crystal Bay, NV 89402			
Project Area (acres or square feet):			
Project Location (with point of reference to major cross streets AND area locator):			
Approx. centered between the intersection of Beowawie Rd. w/NV SR 28 and the outlet of Gonowabie Rd. @ NV SR 28 on the lakeside of the street.			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
123-144-12	8,712SF		
Section(s)/Township/Range: S:N/A, T:16 R:18			
Indicate any previous Washoe County approvals associated with this application:			
Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: G. Stuart & Geraldine M. Yount Family Trust		Name: Elise Fett & Associates, Ltd.	
Address: PO Box 308 Crystal Bay, NV 89402		Address: PO Box 5989	
Crystal Bay	Zip: 89402	Incline Village	Zip: 89450
Phone: 775-843-0486	Fax: n/a	Phone: 775-833-3388	Fax:
Email: syount@gaviotacapital.com		Email: julie@elisefett.com	
Cell:	Other:	Cell:	Other:
Contact Person: G. Stuart Yount, Trustee		Contact Person: Julie Soules	
Applicant/Developer:		Other Persons to be Contacted:	
Name:		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: Elise Fett & Associates, Ltd.

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, G. Stuart Yount, Trustee of G. Stuart Geraldine M. Yount Family Trust
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below 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 members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 123-144-12

Printed Name GERALDINE M. YOUNT

Signed Geraldine M. Yount

Address PO Box 308 Crystal Bay, NV 89402

Subscribed and sworn to before me this 7th day of August, 2018.

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

My commission expires: 10/05/2020

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Property Owner Affidavit

Applicant Name: Elise Fett & Associates, Ltd.

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, Geraldine M. Yount, Trustee of G. Stuart Geraldine M. Yount Family Trust
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below 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 members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 123-144-12

Printed Name G. STUART YOUNT
Signed [Signature]
Address PO Box 308 Crystal Bay, NV 89402

Subscribed and sworn to before me this
7th day of August, 2018.

[Signature]
Notary Public in and for said county and state
My commission expires: 10/05/2020

(Notary Stamp)



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

Variance Application Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to variances may be found in Article 804, Variances.

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

The side and front setbacks must be varied in order to permit our request. The addition is over an existing deck. The entirety of the existing deck is within the front setback. The proposed addition does not project further towards the front/street than the existing structure, but it does not encroach further towards the side of the property. The outside wall of the proposed addition projects 3' further towards the side property line, such that the wall of the addition is 1' 2.5" from the property line. The proposed elevator roof projects 10.5" from the edge of the wall, such that the roof is 2" from the property line.

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?

The existing structure as previously mentioned was constructed within the front and side set-backs and the entry/drive are fully within the front and side set-backs so adding an elevator that can transport someone from the driveway to the living space can not feasibly be done without further encroachment into the side set-back. Additionally, the lot is exceedingly steep and narrow. The average slope is greater than 40% and the lot width is 48'. The standard minimum lot width in HDS is 60'.

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?

The elevator addition will be at a lower height than the existing structure. No trees will be removed, so the existing screening will remain. The elevator will only serve the top 3 floors in order to limit the amount of excavation required.

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.)?

There is no significant enhancement or detriment to the scenic or environmental character of the neighborhood. The addition is being tastefully configured to blend with the existing structure such that it will be hardly noticeable to the surrounding properties.

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

Many properties in this neighborhood are 3 or 4 stories with elevators for both convenience and accessibility. Due to the unique characteristics of the lot and the limitations of the existing structure, the elevator can not be incorporated into the existing footprint of the home.

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

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, please attach a copy.
------------------------------	--	-------------------------------

7. What is your type of water service provided?

Water service is provided by IVGID.

8. What is your type of sewer service provided?

Sewer service is provided by IVGID.

Washoe County Treasurer
Tammi Davis

Washoe County Treasurer
P.O. Box 30039, Reno, NV 89520-3039
ph: (775) 328-2510 fax: (775) 328-2500
Email: tax@washoecounty.us

Bill Detail

[Back to Account Detail](#)
[Change of Address](#)
[Print this Page](#)
Washoe County Parcel Information

Parcel ID	Status	Last Update
12314412	Active	8/17/2018 2:06:35 AM
Current Owner: TUCCI 1987 TRUST, MICHAEL & JOAN 2611 VISTA DR NEWPORT BEACH, CA 92663		SITUS: 400 STATE ROUTE 28 INCL NV
Taxing District 5200		Geo CD:
Legal Description		
Township 16 Lot 13 Block 11 Section Range 18 SubdivisionName CRYSTAL BAY PARK 1 UNOFFICIAL		

Installments

Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/20/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/1/2018	2018	\$2,221.38	\$0.00	\$0.00	\$2,221.38
INST 3	1/7/2019	2018	\$2,221.38	\$0.00	\$0.00	\$2,221.38
INST 4	3/4/2019	2018	\$2,221.37	\$0.00	\$0.00	\$2,221.37
Total Due:			\$6,664.13	\$0.00	\$0.00	\$6,664.13

Tax Detail

	Gross Tax	Credit	Net Tax
Incline Recreati	\$705.00	\$0.00	\$705.00
Incline Village	\$322.79	(\$151.24)	\$171.55
North Lake Tahoe 2	\$1,659.06	(\$392.98)	\$1,266.08
State of Nevada	\$448.32	(\$23.80)	\$424.52
Washoe County	\$3,670.18	(\$194.86)	\$3,475.32
Washoe County Sc	\$3,002.44	(\$159.40)	\$2,843.04
LAKE TAHOE WATER BASIN	\$0.13	\$0.00	\$0.13
Total Tax	\$9,807.92	(\$922.28)	\$8,885.64

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2018	2018140569	B18.45913	\$2,221.51	8/16/2018

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Change of Address

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to: (775) 328-2500

Address change requests may also be mailed to:
Washoe County Treasurer
P O Box 30039
Reno, NV 89520-3039

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us

This site is best viewed using Google Chrome, Internet Explorer 11, Mozilla Firefox or Safari.

Letter Details



INCLINE VILLAGE LAKESIDE FAMILY MEDICINE
MULTISPECIALTY CLINIC
889 Alder Ave Ste 303
Incline Village NV 89451-8219
Dept: 775-832-5200

8/6/2018

RE: George S Yount
Geraldine Yount

To Whom It May Concern,

I am writing this letter on behalf of my patients Geraldine and George S. Yount. I have been their treating physician for over 10 years. Geraldine has autoimmune arthritis and lubar radiculopathy which are aggravated by climbing stairs. For this reason I have recommended that they install an elevator in their 4 story home. Thank you for your assistance in accomplishing this request.

Please feel free to contact me for any additional information as needed.

Thank you,

Johanna Koch, MD

Tahoe Forest MultiSpecialty Clinics

REVISIONS	BY

P.O. BOX 5989
 INCLINE VILLAGE
 NEVADA 89150
 PHONE: (775)833-3388
 FAX: (775)833-2388
 elise@elisefett.com

ELISE FETT & ASSOCIATES, LTD.
 AIA . RCE
 ARCHITECTURE
 ENGINEERING

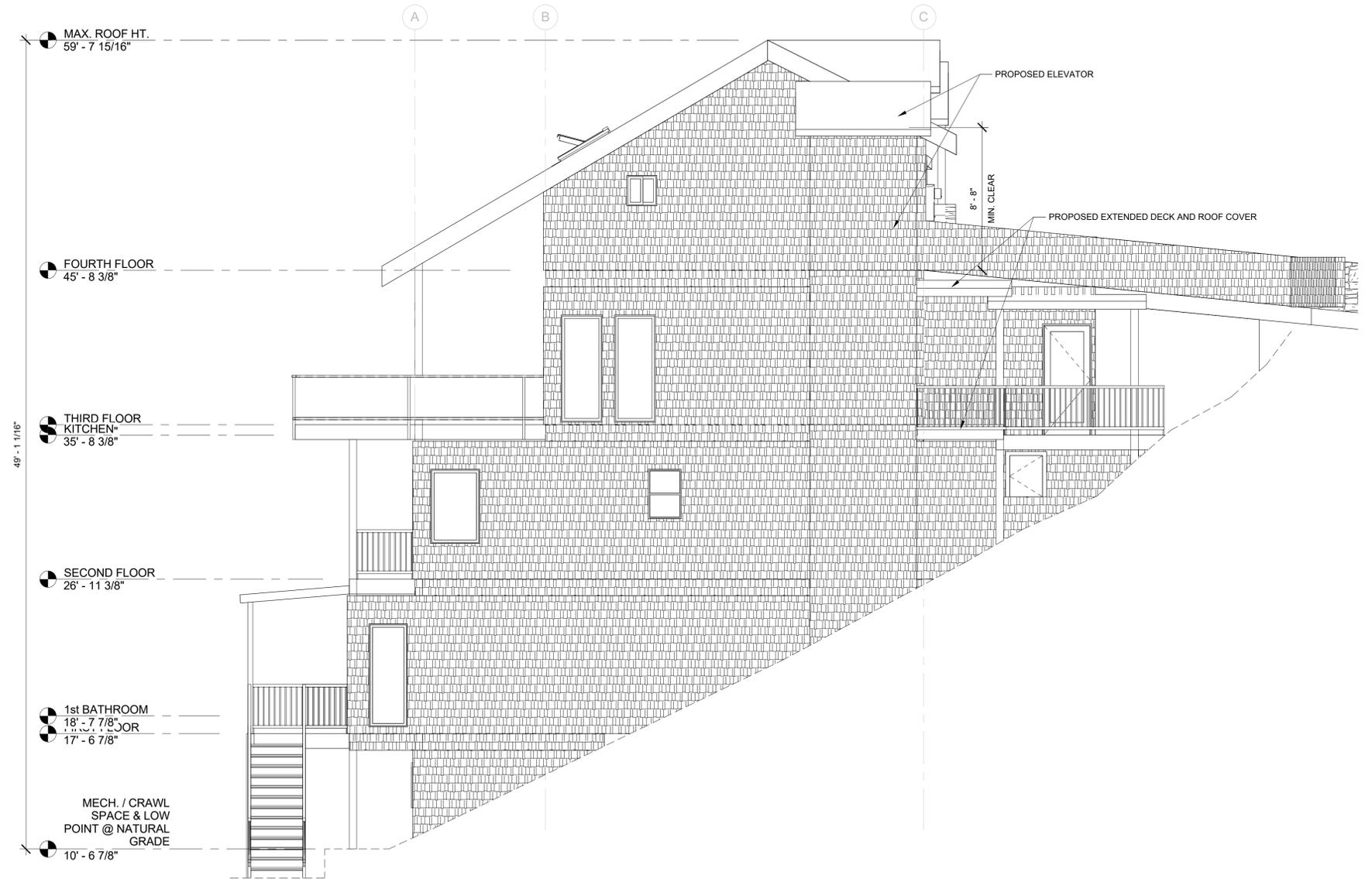
**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

400 STATE ROUTE 28
 400 SR-28, CRYSTAL BAY, WASHOE COUNTY, NV
 CRYSTAL BAY PARK, OT 13, BLOCK 11 & FR ST
 APN: 123-144-12

DRAWN :	CHECKED :
DATE :	Issue Date
SCALE :	1/4" = 1'-0"
JOB NO :	Project Number
PRINT DATE :	8/17/2018 5:00:59 PM
SHEET	
A-1	
OF	SHEETS

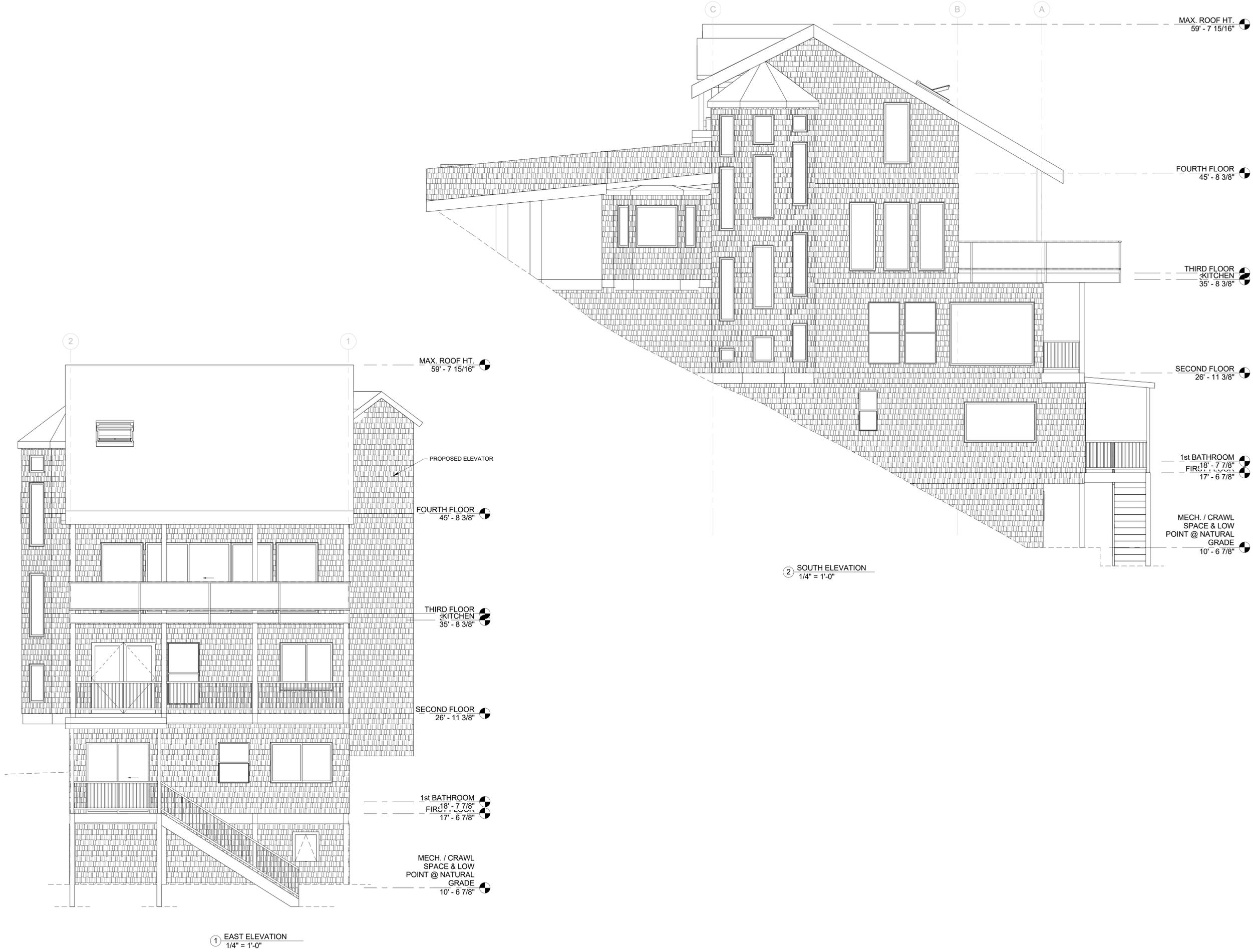


① WEST ELEVATION
 1/4" = 1'-0"



② NORTH ELEVATION
 1/4" = 1'-0"

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT/ENGINEER AND MAY NOT BE REPRODUCED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.



REVISIONS	BY

ELISE FETT & ASSOCIATES, LTD.
AIA . RCE
ARCHITECTURE
ENGINEERING

P.O. BOX 5989
INCLINE VILLAGE
NEVADA 89150
PHONE: (775)833-3388
FAX: (775)833-2388
elise@eliseft.com

**PRELIMINARY
NOT FOR
CONSTRUCTION**

400 STATE ROUTE 28
400 SR-28, CRYSTAL BAY, WASHOE COUNTY, NV
CRYSTAL BAY PARK, OT 13, BLOCK 11 & FR ST
APN: 123-144-12

DRAWN :	CHECKED :
DATE :	Issue Date
SCALE :	1/4" = 1'-0"
JOB NO :	Project Number
PRINT DATE :	8/17/2018 5:01:03 PM
SHEET	
A-2	
OF	SHEETS

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT/ENGINEER AND MAY NOT BE REPRODUCED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.

OWNER
STUART & GERI YOUNT
PO BOX 308
CRYSTAL BAY, NV 89402

PROPERTY
400 STATE ROUTE 28
CRYSTAL BAY
WASHOE COUNTY, NV
CRYSTAL BAY PARK
LOT 13, BLOCK 11 & FR. ST.
APN: 123-144-12

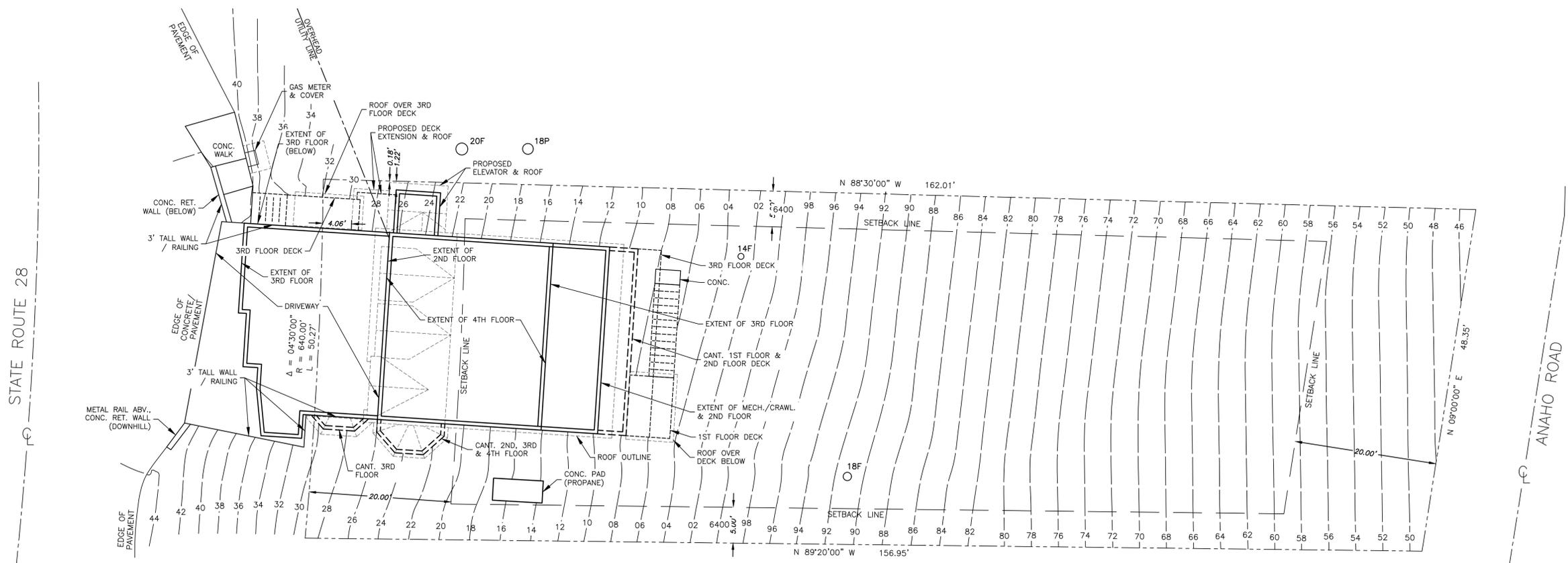
CONTACT PERSON
ELISE FETT & ASSOCIATES
P.O. BOX 5989
INCLINE VILLAGE, NV 89450
(775) 833-3388

NOTE:
1) EXISTING SURVEY & SITE PLAN PROVIDED BY OWNER, ELISE FETT & ASSOCIATES, LTD. IS NOT RESPONSIBLE FOR THE ACCURACY OF THE EXISTING CONDITIONS ON THIS SITE PLAN.

LAND AREA
7,806 SQ. FT.
0.1792 acres

REVISIONS	BY

ELISE FETT & ASSOCIATES, LTD.
AIA • RCE
ARCHITECTURE
ENGINEERING
P.O. BOX 5989
INCLINE VILLAGE
NEVADA 89450
PHONE: (775)833-3388
FAX: (775)833-2388
elise@elisefett.com



SITE PLAN
SCALE 1"=8'

400 STATE ROUTE 28
400 SR-28, CRYSTAL BAY, WASHOE COUNTY, NV
CRYSTAL BAY PARK, LOT 13, BLOCK 11 & FR ST
APN: 123-144-12

400 STATE ROUTE 28
400 SR-28, CRYSTAL BAY, WASHOE COUNTY, NV
CRYSTAL BAY PARK, LOT 13, BLOCK 11 & FR ST
APN: 123-144-12

DRAWN : KM	CHECKED : EF
DATE : 8-6-18	
SCALE : AS NOTED	
JOB NO : SGYO	
DWG NO : Site.dwg	
SHEET	
SP-1	
OF	"SP" SHEETS

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT/ENGINEER AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF THE ARCHITECT/ENGINEER.



Incline Village Crystal Bay Citizens Advisory Board

DRAFT: Approval of these draft minutes, or any changes to the draft minutes, will be reflected in writing in the next meeting minutes and/or in the minutes of any future meeting where changes to these minutes are approved by the CAB.

Minutes of the Incline Village Crystal Bay Citizens Advisory Board meeting held at Incline Village General Improvement District, 893 Southwood Blvd, Incline Village, NV 89451 on September 4, 2018, 5:30 P.M.

- 1. *CALL TO ORDER/ PLEDGE OF ALLEGIANCE** – Pete Todoroff called the meeting to order at 5:30 P.M.
- 2. *ROLL CALL/DETERMINATION OF A QUORUM** - Pete Todoroff, Tom Cardinale, Gerry Eick, Mike Sullivan, Gene Brockman. A quorum was determined.

Absent: Kevin Lyons, Judy Miller (Not excused).

3. *PUBLIC COMMENT –

Andrew Whyman said at the IVGID Trustee candidates' forum, one question was about supporting the idea of taking over land use and enforcement from the County. The question was asked because if you look the evolution of Incline Village, the population has become increasingly 2nd homeowners. The aspects of what makes a town/village are slowly dying away. The question was if IVGID was interested in taking over those issues; all four candidates said no, they didn't think it was a good idea. He asked the CAB board the same question. He said this community will decline.

Steve Dolan said he wanted to inform the board about a topic regarding the increase number of piers on the lake. There has been refuting argument about piers damaging the fish habitat which they don't. He said the Lahontan Board wants to eliminate a sentence regarding this pier issue. He said he spoke with one of the directors – Mr. Larsen. He said they agreed on eliminating piers in areas of spawning and high areas of fishery production near streams. Stream zones are important areas to protect. The proposal by California is to eliminate that near the stream zone. We need to pay attention to that. He said Mr. Larsen wants to be in line with TRPA, but Mr. Dolan said he doesn't believe TRPA is going in that direction. He said it's a redundant law.

Wayne Ford handed out information regarding MOU with TRPA and Washoe County to process plans with certain projects in this area. He said MOU could be handled by a local office. He said this should be on a future agenda regarding its impacts. He said he met with several other people regarding the MOU including the Commissioner. Mr. Ford said Mr. Slaughter was supposed to have a draft review for us by the end of August. He said we haven't heard a word. This building community could suffer. People need to work. These projects are getting held up, and the workers are going elsewhere. We need to get this on the agenda. We need this MOU back in place.

4. APPROVAL OF AGENDA FOR THE MEETING OF SEPTEMBER 4, 2018 – Gerry Eick moved to approve the agenda. Mike Sullivan seconded the motion to approve the agenda for **SEPTEMBER 4, 2018**. Motion carried unanimously.

5. APPROVAL OF THE MINUTES FOR THE MEETING OF JULY 2, 2018 – Gerry Eick moved to approve the minutes of **JULY 2, 2018**. Tom Cardinale seconded the motion to approve the minutes. Gene Brockman abstained. The motion carried 4 to 1 in favor of approval.

6. ***WASHOE COUNTY UPDATE-** Commissioner Berkbigler was unable to attend. She can be reached at (775) 328-2005 or via email at mberkbigler@washoecountu.us.

7. DEVELOPMENT PROJECTS- The project description is provided below with links to the application or you may visit the Planning and Building Division website and select the Application Submittals page: www.washoecounty.us/comdev

7.A. Variance Case Number WPVAR18-0005 (Blaszyk-Wittman) – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request to reduce the front yard setback from 15 feet to: 1) 8 feet to build a roof over the staircase to the front entry; 2) 11'-4" build a roof over the front entry deck; and 3) 11' 2" to extend the roof eaves over the front of the garage. (for Possible Action)

- Applicant/Property Owner: Michael Blaszyk and Leslie Whittman
- Location: 455 Fairview Blvd., Incline Village, NV
- Assessor's Parcel Number: 131-221-05
- Staff: Eva Krause, AICP, Planner; 775-328-3628; ekrause@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on October 4, 2018

Mr. Blaszyk, homeowner, showed proposed house concepts, elevations, and site plan

- The property is on the steep slope
- Requesting setbacks to provide shelter from inclement weather, new architecture
- He showed pictures of similar architecture

Gerry Eick asked Eva Krause about the code reference on why we are approving the variance. Eva Krause said she will look at the conformances with codes and the hardship of the land.

Gerry Eick said he is always concerned with neighborhood esthetics. This particular project doesn't encroach close to the street like many other properties. He said it's within the roof line. 37% slope steepness puts it in a hardship. He said there are several reasons to be considered a hardship.

MOTION: Mike Sullivan moved to recommend approval of Variance Case Number WPVAR18-0005 (Blaszyk-Wittman). Gene Brockman seconded the motion to recommend approval. The motion passed unanimously.

7.B. Variance Case Number WPVAR18-0007 (SYGO – Yount Elevator) – Request for community feedback, discussion and possible action to forward community and Citizen Advisory Board comments to Washoe County staff on a request for a variance to reduce the side yard setback from 5 feet to ±2 inches to allow for the construction of an elevator within a residence along the north side property line. (for Possible Action)

- Applicant/Property Owner: G. Stuart and Geraldine M. Yount Family Trust
- Location: 400 State Route 28, Crystal Bay, NV
- Assessor's Parcel Number: 123-144-12
- Staff: Roger Pelham, Planner; 775-328-3622; rpelham@washoecounty.us
- Reviewing Body: Tentatively scheduled for the Board of Adjustment on October 4, 2018

- Elise Fett, representative, said the existing property is steep and narrow with 49 feet
- The existing house has received a setback variance in the front yard.

- 40% slope on the property
- She showed where the existing deck and elevation where the elevator is proposed.
- She said they spent days in discussion with TRPA regarding allowable height code restrictions.
- She spoke about alternative locations that were not approved by TRPA.
- There is no possible way to use a chair lift with circular stairwell.
- Elise Fett provided a copy from the owner's primary care physician; a letter of recommendation for an elevator.
- Elise Fett said in regards of placement on the property, this is best we can do. She explained how the owners would access the house with the proposed elevator – they would access through the corner of the garage upstairs, corner of the exterior of the house to the deck, and coming into the kitchen, and into the closet downstairs.
- There is another stairwell from the master bedroom level (3 floors down), and then stairs to bottom level. Elevator is a minimal dig and only goes to the closet level. She said we are not requesting to go all the way to the bottom level.
- Gerry Eick asked if the outer boundary would change with the addition of the elevator. Ms. Fett said there is 1.8 feet from the property line that was already extended. She said we are requesting 6 inches of encroachment. She explained the elevator roof as well.
- Gerry asked Roger Pelham about the qualifiers for hardship.

MOTION: Tom Cardinale moved to recommend approval Variance Case Number WPVAR18-0007 (SYGO – Yount Elevator). Gene Brockman seconded the motion to recommend approval. The motion passed unanimously.

8. *CHAIRMAN/BOARD MEMBER ITEMS- This item is limited to announcements by CAB members. (This item is for information only and no action will be taken by the CAB).

- Pete Todoroff said he hasn't been receiving the agendas.
- Gerry Eick said there is concern in community about MOU. He would like an update about Community Area Plan as well as an update to address the MOU.
- Tom Cardinale said he is surprised with blacktop sealing project in town; there are no pedestrian lines drawn in yet. He said there are also no turn lane lines with arrows. He said it's dangerous.
- Mike Sullivan expressed concerns with the crosswalk in front of Hyatt and Country Club Center. He said it's drawn in as a diagonal.

9. *PUBLIC COMMENT –

Wayne Ford handed out information about TRPA Code Changes that may change how construction is done on certain sites. He said we have been having issues with codes changes. He said Marsha submitted a letter to TRPA staffing and board about large projects and temporary staging. He said large projects require permanent staging with BMPs. He spoke about the State Board of Architecture said TRPA needs to follow state law in rules and guidelines – they are agency to police plans. He said there will be more accountability what comes before you and TRPA level.

Mr. Brockman said Marsha's memo, there are loose terms in related to the time schedule is too broad and needs to be more specific.

ADJOURNMENT – meeting adjourned at 6:14 p.m.

Number of CAB members present: 5

Number of Public Present: 6

Presence of Elected Officials: 0

Number of staff present: 2

Submitted By: Misty Moga

DRAFT