



VARIANCE CASE NUMBER WPVAR20-0004

(Merritt Rear Yard Setback Reduction)

Washoe County Board of Adjustment
October 1, 2020

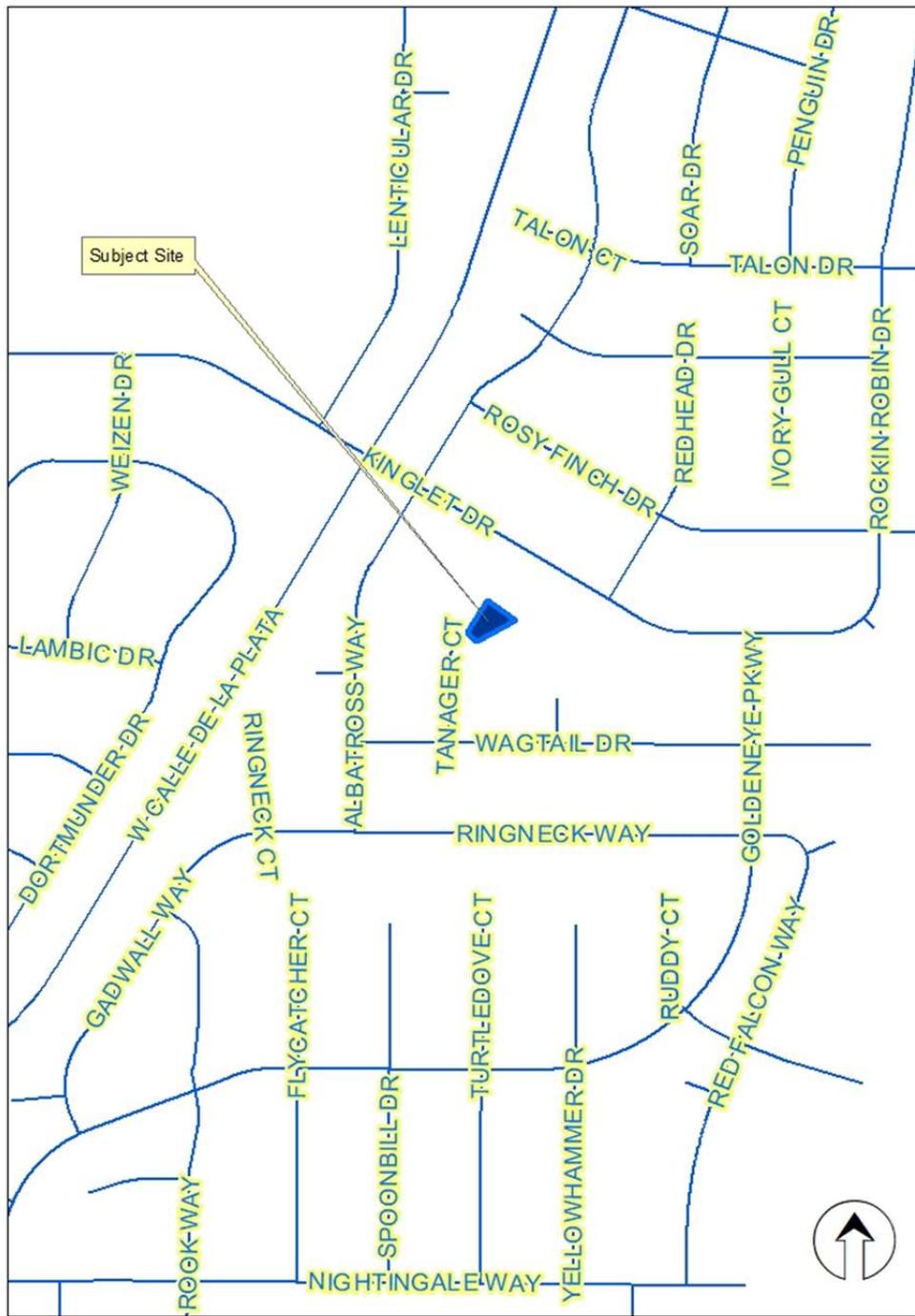


Request

Variance to allow the reduction of the required rear yard setback from 20 feet to 9 feet, 9 inches, to facilitate the construction of a new detached garage on a parcel of land with an existing single-family residence

Reduction of 10 feet, 3 inches

Vicinity Map



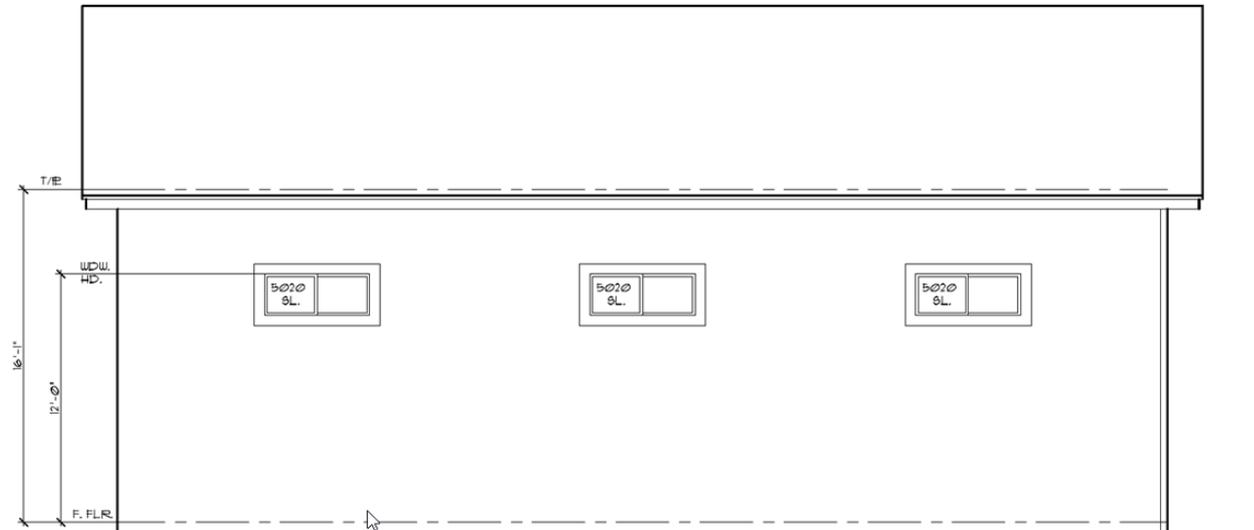
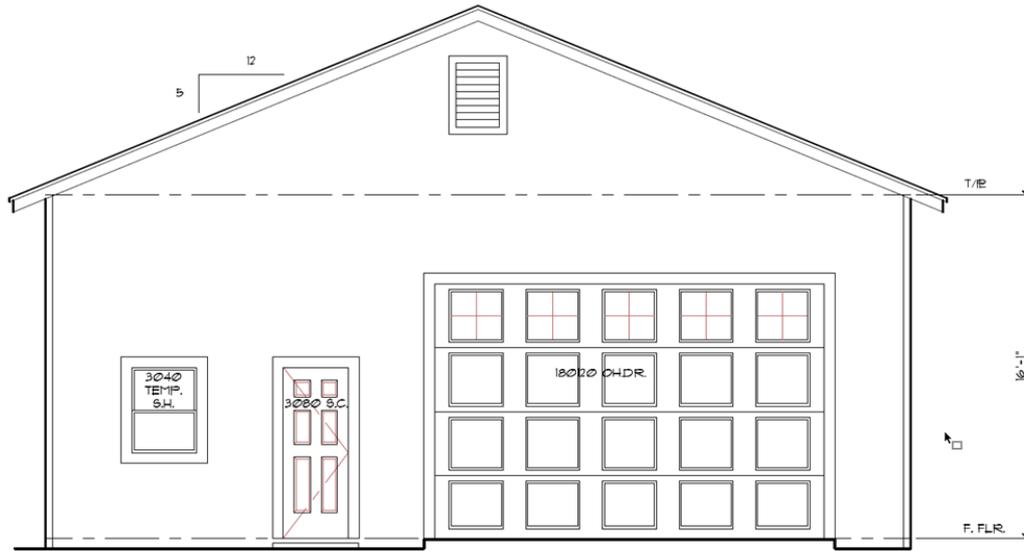


Overhead Photo





Proposed Structure





Variance Requirements / Findings of Fact

Nevada Revised Statutes (NRS 278.300) 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.



Variance Findings of Fact

Exceptional Narrowness:

Minimum Lot dimension for the MDS zone is 80 feet.

Parcel is approximately 115 feet in width.

The subject parcel is not exceptionally narrow.



Variance Findings of Fact

Exceptional Shallowness:

Minimum Lot dimension for the MDS zone is 80 feet.

Parcel is approximately 189 feet in depth.

The subject parcel is not exceptionally shallow.



Variance Findings of Fact

Exceptional Shape:

“Pie-slice” shape.

- Common, particularly on cul-de-sac streets.

The parcel is not exceptionally shaped.



Variance Findings of Fact

Please find enclosed my variance application request for property 2152 Tanager Ct., Sparks, NV also known as APN 530-533-11. We would like to construct a 50x40 detached garage to be located within my back yard. Due to the shape of my parcel, we are respectfully requesting consideration of a variance to Washoe County Code Article 406.05.01 20' rear yard setback. We are requesting for 221 sf of the overall 2,000 sf detached garage to be within the 20' rear yard setback by approximately 10' 3". The request for the setback is to allow for additional separation between the proposed detached garage and the existing single family dwelling. With this setback, it will provide easier access to the detached garage door when parking vehicles.

We have enclosed additional pictures as a reference to show that there are no negative impacts to our property or surrounding neighbors by moving into rear setback.

Thank you for your time and consideration.



Variance Findings of Fact

Exceptional Topography:

The subject parcel is essentially flat.

The parcel does not contain exceptional topographic conditions.





September 20, 2020

Washoe County Planning & Building Division
1001 E. Ninth St. Bldg. A
Reno, NV 89512

Re: WPVAR20-0004, Merritt Rear Yard Setback

To Whom it May Concern,

My name is Jason Cutlip, 2144 Tanager Ct., Sparks, NV, adjacent to Mr. and Mrs. Merritt. I received your notification regarding their request to construct a detached garage that includes a request for rear yard setback variance. After speaking with Mr. Merritt and him showing the layout in his yard, I am in favor of his request to move the garage closer to the rear fence. The variance will move his garage further out of sight from my northwest windows.

I hope you use this letter for consideration and approving Mr. and Mrs. Merritt's variance request.

Thank you,

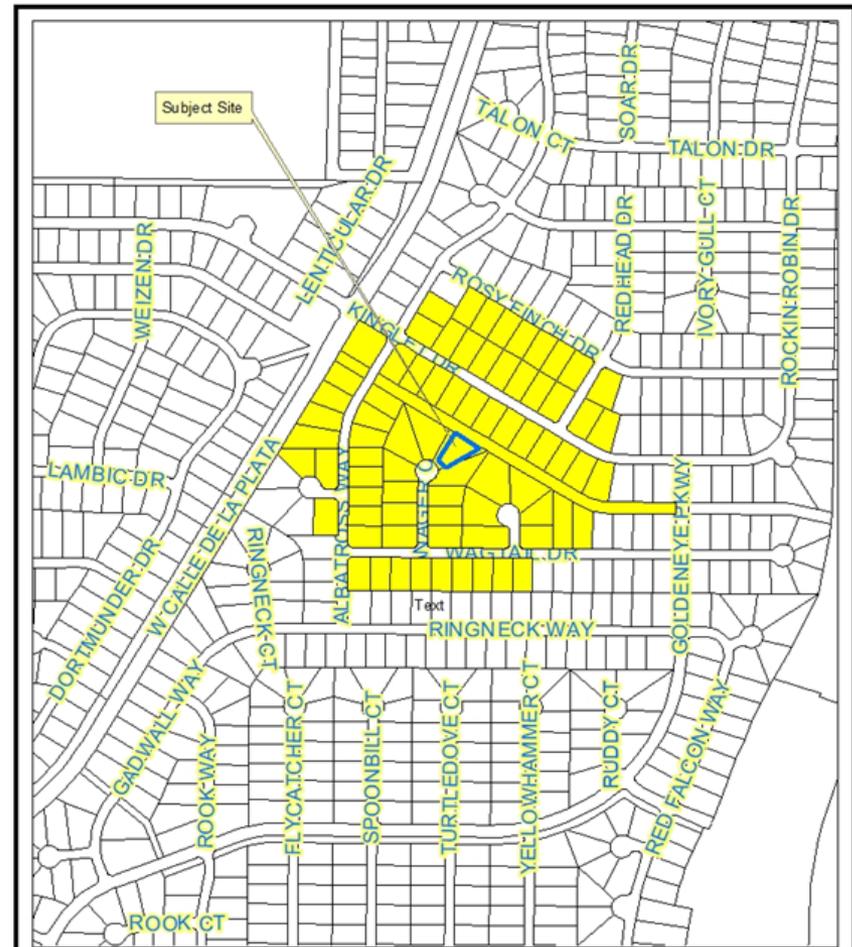
Jason Cutlip

Public Comment



Public Notice & CAB

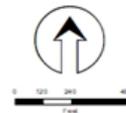
- Notice sent to 77 affected property owners
- The CAB voted, unanimously to recommend the approval of the variance request. The CAB expressed that the wide drainage facility to the rear of the subject site is a unique circumstance applicable to this property.



Mailing and Vicinity Map

Variance Case Number WPVAR19-0004
(Merritt Rear Yard Setback Reduction)

77 Parcels selected at 500 feet



Source: Planning and Building Division/Community Development Department/Parcel maps and mailing labels/mapping/WPVAR19-0004, Public, on 09/14/2020

1001 S. Nevada St.
Reno, Nevada 89502 (775) 329-0800



Reviewing Agencies

- Washoe County Community Services Department
 - Planning and Building Division
 - Engineering and Capital Projects – Land Development
- Washoe County Health District
 - Air Quality
 - Environmental Health 
 - Emergency Medical Services
- Washoe County Sheriff
- Truckee Meadows Fire Protection District
- Regional Transportation Commission
- Washoe Storey Conservation District



Special Use Permit Findings

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;
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.



Recommendation

After a thorough analysis and review, denial is recommended for Variance Case Number WPVAR20-0004. Staff offers the following motion for the Board consideration.

Should the Board find an exceptional hardship and choose to approve the variance request, staff has prepared possible conditions of approval.



Possible Motions

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 WPVAR20-0004 for Jamey and Jennifer Merritt, being unable to make all required findings in accordance with Washoe County Development Code Section 110.804.25.

Washoe County Planning and Building Division

1. The following conditions are requirements of Planning and Building, which shall be responsible for determining compliance with these conditions.

Contact: Roger Pelham (775) 328-3622

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this variance.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. The Planning and Building Division shall determine compliance with this condition.
- c. The proposed garage shall match the existing dwelling in general architectural design as well as choice of colors, building materials and roofing materials.
- d. The applicant shall submit construction plans, with all information necessary for comprehensive review by Washoe County, and initial building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by the Planning and Building Division.
- e. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- e. The following **operational conditions** shall be required for the life of the development:
 - i. Failure to comply with the conditions of approval shall render this approval out of compliance with this variance and subject to revocation. Compliance with this condition shall be determined by Planning and Building.

*** End of Conditions ***

Possible Conditions of Approval