

### Board of Adjustment Staff Report

eting Date: May 5, 2022 Agenda Item: 8

VARIANCE CASE NUMBER: WPVAR22-0002 (Easter Setback Reduction)

BRIEF SUMMARY OF REQUEST: Reduce the required front yard setback from twenty

(20) feet to one (1) foot in order to construct an addition to an existing single-family residence.

STAFF PLANNER: Courtney Weiche, Senior Planner

Phone Number: 775.328.3608

Email: <a href="mailto:cweiche@washoecounty.gov">cweiche@washoecounty.gov</a>

#### **CASE DESCRIPTION**

For hearing, discussion, and possible action to approve a variance to reduce the required front yard setback from twenty (20) feet to one (1) foot in order to construct an addition to an existing single-family residence.

Applicant: Elise Fett & Associates, Ltd.

Property Owner: Kenneth Easter & J'nee

Hilgers Easter

Location: 666 Tumbleweed Cir. Incline

Village, NV 89451

APN: 125-522-01 Parcel Size: 7,160 sq. ft.

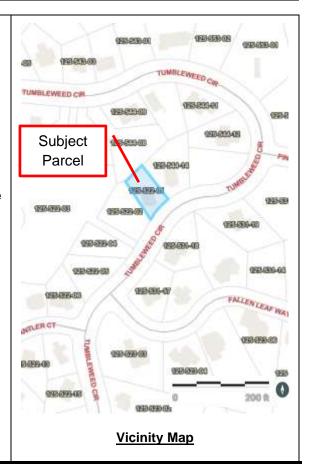
Master Plan: Tahoe – Incline Village #4
Regulatory Zone: Tahoe – Incline Village #4

Area Plan: Tahoe Area Plan

Development Code: Authorized in Article 804,

Variances

Commission District: 1 – Commissioner Hill



#### 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 WPVAR22-0002 for Kenneth Easter & J'nee Hilgers Easter, being unable to make all five required findings in accordance with Washoe County Development Code Section 110.804.25.

(Motion with Findings on Page 8)

#### **Staff Report Contents**

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Project Application ...... Exhibit D

#### **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 WPVAR22-0002 are attached to this staff report and if granted approval, will be included with the action order.

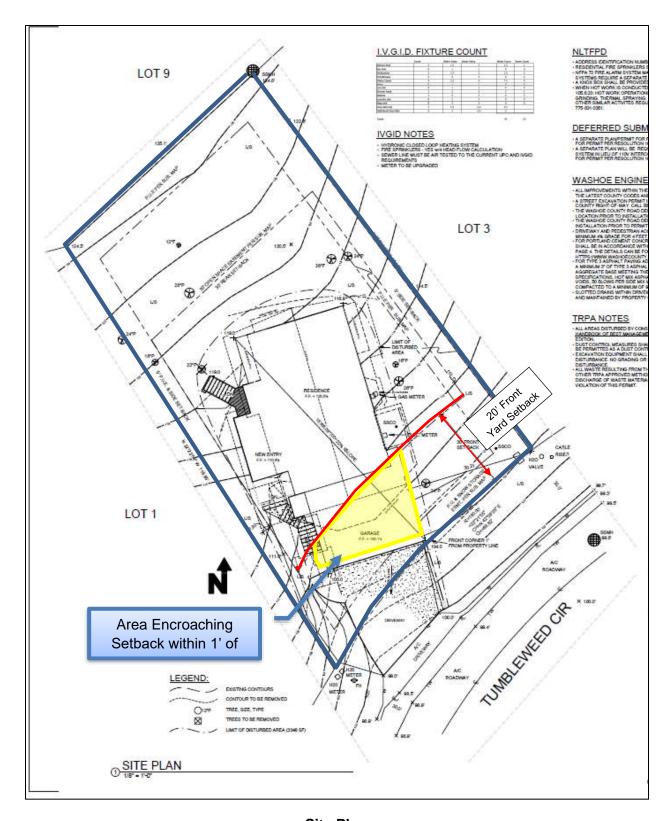
The applicant is seeking variance on the required front yard setback requirement. The Board of Adjustment will be ruling on this request.

Variance Requested	Relevant Code
Front Yard Setback	110.220.55

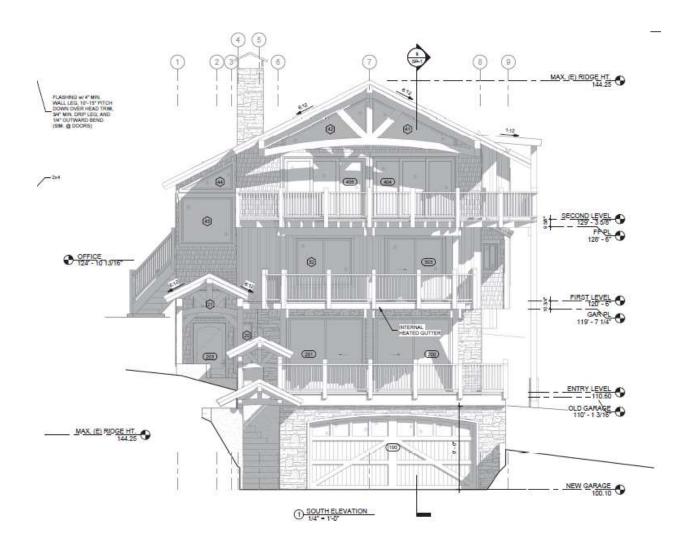
There are no recommended conditions of approval for Variance Case Number WPVAR22-0002 because denial is recommended.

The subject property has a regulatory zone of Incline Village #4. Setbacks are determined by lot size in the Tahoe planning area. See table below from WCC Section 110.220.55. For lots that are between 5,000 square feet and 11,999.99 square feet in size, front and rear yard setbacks are 20 feet and side yard setbacks are 5 feet. The subject property is .16 acres, which is approximately 7,160 square feet. Reductions to required setbacks are permissible subject to approval of a variance in accordance with Article 804 of the Development Code.

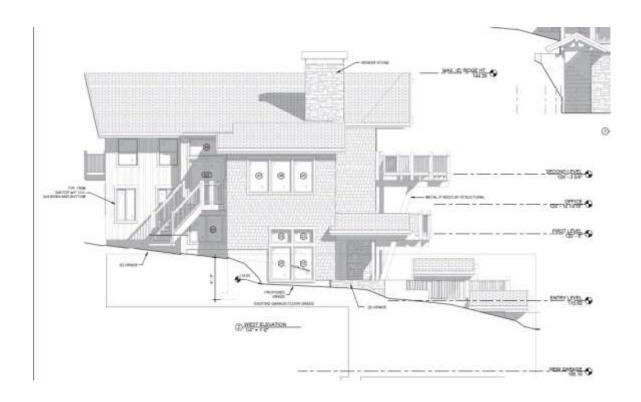
Use Type and Parcel Size	Required Setback		ack	Minimum Parcel Width	Minimum Parcel Size
	Front (Feet)	Side (Feet)	Rear (Feet)	(Feet)	(Square Feet)
Residential			n .		3,700 sf.
Greater Than 2.5 Acres	30	15	30	80 ft.	20.
35,000 Square Feet to 2.5 Acres	30	12	30	80 ft.	
12,000 Square Feet to 34,999.99 Square Feet	20	8	20	60 ft.	
5,000 Square Feet to 11,999.99 Square Feet	20	5	20	60 ft.	



Site Plan

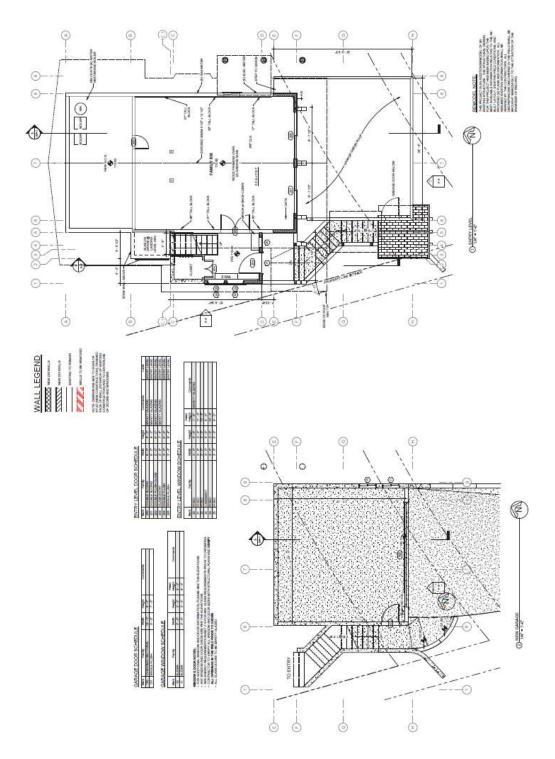


**South Elevation** 

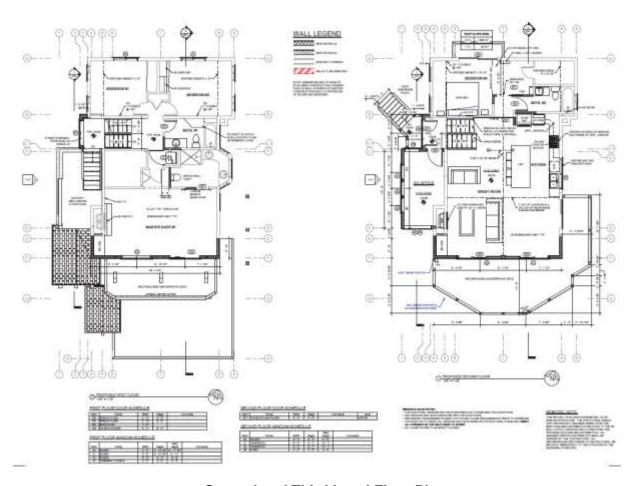




**West and East Elevations** 



**Garage and Ground Level Floor Plan** 



**Second and Third Level Floor Plan** 

#### **Project Evaluation**

The applicant is seeking to reduce the required front yard setback from 20 feet to 1 foot. The applicant is proposing to remodel and add an addition to an existing single-family residence. The existing home is 3-stories with a built-in garage that encroaches into the setback along the front yard property line.

The most critical aspect of evaluation of a proposed variance is to recognize that Nevada Revised Statues (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.

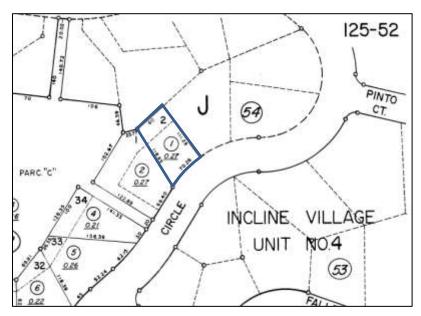
If such a finding of fact can first be made, then the Board must also determine that the strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.

Staff would like to emphasize that a hardship is based only upon characteristics of the land, not the convenience of the applicant.

#### **Exceptional Narrowness:**

The subject site has a regulatory zone of Tahoe Incline Village #4. In accordance with the Tahoe Area Plan, the minimum lot width for that zone, subject to the lot size, is 60 feet, as shown in the table on page 3 of this staff report. The subject parcel is averages 65 feet in width and in no portion is less than the minimum 60'. This exceeds the minimum lot width requirement by approximately 5-10 feet.

Thus, the subject parcel is not exceptionally narrow.



Parcel width - Image from Assessor's Parcel Map

#### **Exceptional Shallowness:**

The minimum lot dimension, as noted above, for the Incline Village #4 regulatory zone and subject to the lot size is 60 feet. The northern (side) property line is 111.28 feet in length, and the southern (side) property line is 118.85 feet in length, which results in an average depth of approximately 115 feet. This exceeds the minimum lot dimension by approximately 55 feet.

Thus, the subject parcel is not exceptionally shallow.

#### **Exceptional Shape:**

The subject parcel is essentially rectangular; please see the image above from the Assessor's map.

Thus, the parcel is not exceptionally shaped.

#### **Exceptional Topographic Conditions:**

The subject parcel slopes from an elevation of approximately 6,962 feet at the south property line to an elevation of approximately 6,984 at the west property line. This is a difference of 22 feet over a distance of approximately 110 feet. This results in a slope of approximately 22%. See image below. Slopes of 15% or greater over 20% or more of the subject site may be considered hillside development under Article 424 of the Development Code. The slope of the applicant's property is not unique to the subject parcel; parcels to the north and south of the subject parcel have similar slopes.



**Contours / Slope** 

### Extraordinary and exceptional situation or condition of the property and/or location of surroundings.

The applicant has stated that the purpose of the variance request is to construct a new garage at the front of the home and to convert the existing garage to living space; as well as expanding all three existing levels over the proposed new garage. The applicant further states "the bulk of the new garage will feature a roof deck to minimize the mass at the street level".

It should be noted the existing structure already protrudes into the front yard setback by about 10'. According to Article 904, Nonconformance, this house is considered a nonconforming structure, because it does not meet current setbacks. WCC Section 110.904.30 states that a nonconforming structure may not be enlarged by more than ten (10) percent. Remodeling the existing garage and adding an addition which protrudes even further into the front yard setback would result in an increase in nonconformance. It is staff's opinion that there is not an exceptional situation specific to this parcel of land and does not meet the requirements for a variance.

Further findings of fact are also required for the Board to approve the requested variance. These include that 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 is unable to make this finding. Because there are no special circumstances applicable to the subject site, approval of a variance would impair the intent of the Development Code which requires that a finding of hardship be made for approval of a variance to be granted. Also, virtually eliminating the front yard setback could have additional impacts to the neighboring property, such as drainage impacts, snow storage, etc.

Another required finding is that 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. This finding cannot be made. Because there are no special circumstances applicable to the subject site, approval of a variance to reduce the front yard setback results in a special privilege to this applicant that is not consistent with the limitations on other properties.

An additional required finding is that the requested variance does not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property. This finding can be made. A home addition is permissible on the subject site.

Finally, a finding that issuance of the permit will not have a detrimental effect on the location, purpose or mission of a military installation can be made as there is no military installation within the area that is required to be provided with public notice for the variance request.

Staff recommends denial of the variance, as there is no hardship of the land and no extraordinary conditions, as required by NRS and WCC, necessary to support the approval of the variance request.

#### **Reviewing Agencies**

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

Agencies	Sent to Review	Responded	Provided Conditions	Contact
NDOT (Transportation)	X		Conditions	
Washoe County Building &				
Safety	X			
Washoe County Land				Walt West, wwest@washoecounty.gov;
Development (	X		×	Rob Wimer, rwimer@washoecounty.gov
Washoe County	u			, <u> </u>
Operations Division	×			
Washoe County Planning	· ·			
& Building Director	X			
Washoe County Traffic	×			
WCHD Air Quality	×			
WCHDEMS	×			
WCHD Environmental	×	×		
Health	^	_ ^		
Regional Transportation	X			
Commission (All Apps)	^			
Washoe-Storey				ľ
Conservation District (All	×	×		
Apps)				
Charter Communications	×			
Incline Village Roads	X			
IVGID	X	×		
Nevada Division of State	×			
Lands				
Nevada Tahoe	×			[
Conservation District				
North Lake Tahoe FPD	Х			
Tahoe Regional Planning	×			
Agency				
Tahoe Transporation	· I X			
District				
US Forest Service		l		
(LTBMU)	X	×		
'Lake Tahoe Basin				

#### **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 in compliance with the required findings as follows.

(a) <u>Special Circumstances</u>. 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.

<u>Staff Comment:</u> There are no special circumstances applicable to the property, as demonstrated in this report. The parcel has no exceptional narrowness, shallowness or shape of the specific piece of property; no exceptional topographic conditions; no extraordinary and exceptional situation or condition of the property and/or location of surroundings. The strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property, as the owner is not being deprived of anything.

- (b) <u>No Detriment.</u> 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.
  - <u>Staff Comment:</u> Because there are no special circumstances applicable to the subject site, approval of a variance would impair the intent of the Development Code which requires that a finding of hardship be made. Also, the 1-foot setback could create a detrimental impact to the neighboring properties.
- (c) <u>No Special Privileges.</u> 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.
  - <u>Staff Comment</u>: Because there are no special circumstances applicable to the subject site, approval of a variance to reduce the side yard setback results in a special privilege to this applicant that is not consistent with the limitations on other properties.
- (d) <u>Use Authorized.</u> The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
  - <u>Staff Comment</u>: A home addition is permissible on the subject site.
- (e) 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.
  - <u>Staff Comment</u>: There is no military installation within the area that is required to be provided with public notice for the variance request

#### Recommendation

After a thorough analysis and review, Variance Case Number WPVAR22-0002 is being recommended for denial, primarily because there are no special circumstances applicable to the property that result in a hardship. 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 WPVAR22-0002 for Kenneth Easter & J'nee Hilgers Easter, being unable to make all five required findings in accordance with Washoe County Development Code Section 110.804.25:

(a) <u>Special Circumstances</u>. 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;
- (b) <u>No Detriment.</u> 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) <u>No Special Privileges.</u> 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;
- (d) <u>Use Authorized.</u> The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
- (e) <u>Effect on a Military Installation.</u> Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

#### **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: Elise Fett & Associates, Ltd.

julie@elisefett.com

Property Owner: J'nee Hilgers Easter

nate.easter@tti.com

Tahoe Agencies: Tahoe Regional Planning Agency

wjepson@trpa.org

North Lake Tahoe Fire Protection District

jdonogue@nltfpd.net

Incline Village General Improvement District

tim buxton@ivgid.org

Tahoe Transportation District info@tahoetransportation.org

**USFS** 

kkuentz@fs.fed.us

**Nevada Tahoe Conservation District** 

mkelly@ntcd.org

#### Weiche, Courtney

From: Rosa, Genine

**Sent:** Friday, March 18, 2022 9:53 AM

**To:** Weiche, Courtney

**Subject:** Review of Applications Submitted March 2022 – Memo II

#### Variance Case Number WPVAR22-0002 (Easter Setback Reduction)

No Comments

P.S. – Please be sure to click the link below and sign up to receive air quality news, updates, public notices and more via e-mail.

#### **Genine Rosa**

Environmental Engineer II | Air Quality Management Division | Washoe County Health District <a href="mailto:grosa@washoecounty.gov">grosa@washoecounty.gov</a> | 0: (775) 784-7204 | 1001 E. Ninth St., Bldg. B, Reno, NV 89512

www.OurCleanAir.com | Subscribe to get Air Quality Updates!



Please take our customer satisfaction survey by clicking here

<sup>\*</sup>My work hours are M - Th 7am - 4:30 pm and Friday 7-11 am

#### Weiche, Courtney

From: Kuentz, Karen -FS <karen.kuentz@usda.gov>

**Sent:** Monday, March 14, 2022 2:57 PM

**To:** Weiche, Courtney

Subject: Variance Case Number WPVAR22-0002 (Easter Setback Reduction) - Forest Service

comment

Follow Up Flag: Follow up Flag Status: Flagged

Categories: WVAR22-0002

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello – the LTBMU has no comment on this project.

Thank you for including us in this review.



Karen Kuentz Realty Specialist

**Forest Service** 

Lake Tahoe Basin Management Unit

c: 530-721-9599

I am working remotely. The best way to reach me is by email.

karen.kuentz@usda.gov

35 College Drive

South Lake Tahoe, CA 96150

www.fs.fed.us

Caring for the land and serving people

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#### **WASHOE COUNTY**

#### COMMUNITY SERVICES DEPARTMENT Engineering and Capital Projects

Date: March 28, 2022

To: Courtney Weiche, Planner, Planning and Building Division

From: Robert Wimer, P.E., Engineering and Capital Projects Division

Re: Variance Case WPVAR22-0002 - Easter Setback Reduction Variance

APN 125-522-01

#### **GENERAL PROJECT DISCUSSION**

Washoe County Engineering and Capital Project staff has reviewed the above referenced application. The application, prepared by Elise Fett & Associates, is for a variance to reduce the required building front yard setback for a residence along the southeast border of the parcel to one foot.

The Engineering and Capital Projects Division recommends approval of this variance case subject to the following conditions of approval:

- A complete set of construction improvement drawings, including an on-site grading plan, shall be submitted when applying for a building/grading permit. Grading shall comply with best management practices (BMP's) and shall include detailed plans for grading, site drainage, erosion control (including BMP locations and installation details), slope stabilization, and mosquito abatement. Placement or removal of any excavated materials shall be indicated on the grading plan. Silts shall be controlled on-site and not allowed onto adjacent property.
- 2. A Revocable Occupancy Permit and Encroachment/Excavation Permit from Washoe County shall be obtained prior to any construction in Washoe County right-of-way.
- 3. The proposed garage addition is within the 5' Public Utility (PUE) and Snow Storage Easement. The County would allow the proposed structure within the County's Snow Storage Easement with a recorded Release of Liability Document to the County. Written permission shall be obtained from each affected Public Utility utilizing this PUE, allowing the structure to reside within this easement. A copy of the document(s) shall be submitted to the County Engineer prior to approval.







#### Weiche, Courtney

From: Program, EMS

**Sent:** Tuesday, March 15, 2022 11:50 AM

To: Weiche, Courtney
Cc: Program, EMS

**Subject:** FW: March Agency Review Memos I & II **Attachments:** March Agency Review Memo II.pdf

Categories: WPVAR22-0002

Hello,

The EMS Oversight Program has reviewed Variance Case Number WPVAR22-0002 (Easter Setback Reduction) and does not currently have any questions, comments or concerns regarding this application.

Thank you,

Sabrina.

#### Sabrina Brasuell

EMS Coordinator | Epidemiology and Public Health Preparedness Washoe County Health District <a href="mailto:sbrasuell@washoecounty.gov">sbrasuell@washoecounty.gov</a> | O: (775) 326-6043 1001 E. Ninth St., Bldg. B. Reno, NV 89512

From: Kerfoot, Lacey < LKerfoot@washoecounty.gov>

Sent: Monday, March 14, 2022 3:38 PM

**To:** Rosa, Genine <GRosa@washoecounty.gov>; Restori, Joshua <JRestori@washoecounty.gov>; Program, EMS <EMSProgram@washoecounty.gov>; English, James <JEnglish@washoecounty.gov>; Rubio, Wesley S <WRubio@washoecounty.gov>; Kelly, David A <DAKelly@washoecounty.gov>

**Cc:** EHS Plan Review <EHSPlanReview@washoecounty.gov>; Albarran, Adriana <AAlbarran@washoecounty.gov>; Pelham, Roger <RPelham@washoecounty.gov>; Bronczyk, Christopher <CBronczyk@washoecounty.gov>; Stark, Katherine <KRStark@washoecounty.gov>; Olander, Julee <JOlander@washoecounty.gov>; Weiche, Courtney <CWeiche@washoecounty.gov>

Subject: March Agency Review Memos I & II

Good afternoon,

Please find the attached Agency Review Memo I & Agency Review Memo II with cases received in March by the Washoe County Community Services Department, Planning and Building Division.

You've been asked to review the following applications:

- Air Quality: Memo I Items 1 and 3; Memo II Item 7
- EMS: Memo I Items 1 and 3; Memo II Items 2, 3 and 7
- Environmental Health: Memo I Items 1 and 3; Memo II Items 2, 3, 4, 5, 7 and 8

The item descriptions and links to the applications are provided in the memo. Comments are due by March 28, 2022.



### **WASHOE COUNTY**

#### **COMMUNITY SERVICES** INTEGRITY COMMUNICATION SERVICE

1001 E. 9th Street Reno, Nevada 89512 Phone: (775) 328-3600 Fax: (775) 328-3699

March 24, 2022

TO: Courtney Weiche, Senior Planner, Washoe County Community Services Department

Planning and Building Division

FROM: Timber Weiss, Licensed Engineer, CSD

SUBJECT: Variance Case Number WPVAR22-0002 (Easter Setback Reduction)

**Project description:** – For hearing, discussion, and possible action approve a variance to reduce the required front yard setback from twenty (20) feet to one

(1) foot in order to construct an addition to an existing single-family residence.

666 Tumbleweed Cir. Incline Village, Assessor's Parcel Number: 125-522-Location:

01.

The Community Services Department (CSD) offers the following Water Rights conditions and /or comments regard these amendments:

No comments.

Recommend approval.



WWW.WASHOECOUNTY.US



#### Washoe-Storey Conservation District

Bret Tyler Chairmen Jim Shaffer Treasurer Cathy Canfield Storey app Jean Herman Washoe app

1365 Corpotate Blvd. RenoNV 89502 775 857-8500 ext. 131 nevadaconservation.com

March 21, 2022

Washoe County Community Services Department

C/O Courtney Weiche, Senior Planner

1001 E Ninth Street, Bldg. A

Reno, NV 89512

R: WPVAR22-0002 Easter Setback Reduction

Dear Courtney,

In reviewing the variance to reduce the required front yard setback, the Conservation District has the following comment.

We support the applicant use of the same exterior finishes and roofing material to the addition of this residence.

Thank you for providing us the opportunity to review the project that may have impacts on our natural resources and any questions call us (775) 750-8272.

Sincerely,

Jim Shaffer

#### Weiche, Courtney

**From:** skitumbleweed <skitumbleweed@gmail.com>

Sent: Thursday, April 7, 2022 6:06 PM

**To:** Weiche, Courtney

**Subject:** The topic of 666 Tumbleweed Incline Village NV 89451

Follow Up Flag: Follow up Flag Status: Flagged

Categories: WPVAR22-0002

[NOTICE: This message originated outside of Washoe County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hello Courtney,

Cannot agree with this plan for 666 Tumbleweed. Are these new homeowners? Who are these folks that own 666 Tumbleweed.

I say this because these particular Incline Village homes are over 7000 FT. That's not big snow. That's super huge snow. All our homes have that 20ft setback for a reason. **The reason is SNOW.** 

I don't want anyone thinking this is ok to do up here ever. So if you're thinking of sleeps 50? Or you are thinking of extra living space and affordable living or housing the workforce or whatever it is you must shelve the idea.

The setback is for the state snow removal vehicles to have somewhere to throw the snow. And that setback is for snow removal from the homes themselves. It would be highly unusual and unacceptable to remove the setback. And totally unfair to the neighborhood and neighbors. I already have more snow at my property than all others because of wind direction and topology and the ability of the state of Nevada folks clearing the road and my need to remove snow from my roof.

I don't want anyone hauling snow my way when my home is already the neighborhood ice cave. And I am sure the other folks, if they have half a brain, will rebel against this idea for 666 Tumbleweed.

I have lived in Tahoe since 1970. And in Incline since 1974.

This is the way it works. There are very very few over 7KFT homes in the world. Even the gas regulators don't perform correctly because all energy companies don't want to make a special regulator for me. So we try many until we get a defective one that works. It's a physics issue.

For matters like this it is important the planning department takes direction from an old guy that really knows. Building codes in Tahoe were made because politicians and government folks did not like watching me clear roofs in 1983. They made those building codes to save my life.

So it's important for folks new to the area or new to planning Tahoe homes that are over 7KFT to step back and ask themselves or some old guy that has lived up there forever why things are as they are.

My wife and I were surprised to hear of this. And we want to make sure folks are being smart and that this is not a trend and is well thought out or and idea that will be ditched because you all will realize you are not knowledgeable and should not be making such decisions.

The setbacks are there for a reason. They should not be tampered with.

So you know. I saved homes in 1983. Not all I could save. My neighbor's home I discovered was crushed when I came home from school. The snow crushed the home.

I shovel my roof every year or other year. I can have you shovel that roof and clear the home after a big storm. That'll cause you to think long and hard about that setback. Also vehicles do slip out. A setback of 1 ft. is very unwise. Plow could hit it too. Or a UPS truck.

Tim Delaney

#### **Public Notice**

Pursuant to Washoe County Code Section 110.804.20 public notification consists of notification by mail of at least 30 separate property owners within a minimum 500-foot radius of the subject property. This proposal was noticed within a 500 foot radius of the subject property, noticing 51 separate property owners.



**NOTICING MAP** 

#### **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	S	taff Assigned Case No.:		
Project Name:	tor & Hilgare Facto	er Remodel/Addition		
			victing garage is	
Description: to become a f		arage, entry & office. The e	xisiiiig garage is	
Project Address: 666 Tumble	eweed Cir. Incline \	/illage, NV 89451		
Project Area (acres or square feet): 3,346 sf				
Project Location (with point of	reference to major cross	streets AND area locator):		
666 Tumbleweed Circle, ha	lfway btwn Fallen Le	eaf Way & Pinto Ct.		
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:	
125-522-01	.1644 (7,160sf)	` ,		
Indicate any previous Wash	noe County approval	s associated with this applicat	ion:	
Case No.(s).				
Applicant In	formation (attach	additional sheets if necess	ary)	
Property Owner: Kenneth Ea	Property Owner: Kenneth Easter &			
Name: J'nee Hilgers Easter		Name: same as applicant		
Address: 774 Mays Blvd. S	uite 10 PMB 722	Address:		
Incline Village	Zip: 89451		Zip:	
Phone:	Fax:	Phone:	Fax:	
Email:nate.easter@tti.com		Email:		
Cell: 678-473-7411	Other:	Cell:	Other:	
Contact Person:		Contact Person:		
Applicant/Developer:		Other Persons to be Contacted:		
Name: Elise Fett & Associa	tes, Ltd.	Name:		
Address: PO Box 5989		Address:		
Incline Village	Zip:89450		Zip:	
Phone: 775-833-3388	Fax:	Phone:	Fax:	
Email: julie@elisefett.com		Email:		
Cell: 775-315-3086	Other:	Cell:	Other:	
Contact Person: Julie Soule	S	Contact Person:		
	For Office	Use Only		
Date Received:	Initial:	Planning Area:		
County Commission District:		Master Plan Designation(s):		
CAB(s):		Regulatory Zoning(s):		

## 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?				
	Reduction of the front yard setback to 1' at the nearest point of proposed garage.				
	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 slope of the property is exceedingly steep at >20% and the existing driveway slope is non-compliant at 23%.				
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 proposed garage is sunken and only one story w/a green roof deck instead of a pitched roof to minimize the mass.				
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.)?				
	The current driveway slope renders the exisitng garage useless in the winter, the new garage will allow cars and gear to be stowed in the garage year round.				
5.	. What enjoyment or use of your property would be denied to you that is common to other properties in your neighborhood?				
	A safe driveway and parking will be denied without the variance.				
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				

#### NJEA – Easter & Hilgers-Easter Remodel/Addition

666 Tumbleweed Circle Incline Village, NV 89451

APN: 125-522-01

#### **Project Description**

This project proposes a remodel and addition to an existing single-family residence. The existing home is 3-stories with a built-in garage that is nearly inaccessible with the existing 23% driveway slope. The proposed plan includes a dug-out garage at the front of the home in order to achieve a useable driveway and garage for the owners. The existing garage will be converted to living space and there will be a partial pop-out/expansion of all three existing levels over the new garage. However, the bulk of the new garage will feature a roof deck to minimize the mass at the street level.

#### **Supplemental Questions**

- 1. The proposed structure will be 1' from the property line at the nearest corner, but it has been angled to match the angle of the existing structure and minimize the overall encroachment. The garage goes from 1' at the nearest point to 14' at the furthest. It is by enlarge a single-story addition and would be allowed to be built at the property line if it were a detached structure. However, placement of the existing structure prevents the structure from being detached, therefore the variance is being requested.
- 2. The slope and width of the property are the main items preventing compliance with the development code. The slope at the front of the property is greater than 20% and, as previously noted, the existing driveway slope is 23%. The terrain is steep along the street and many of the properties have had a reduced setback to allow for garages and functional driveways.
- 3. The proposed garage will be sunk and only one story at the street to limit view blocking and massing at the property line. The roof will be a green roof deck, which will add visual aesthetics to the front of the home.
- 4. The current driveway slope renders the existing garage useless in the winter and even in the summer, guests routinely elect to park at the street rather than navigate the steep slope. The proposed garage will allow gear and cars to be stowed out of sight year-round.
- 5. Without the variance, the owners will be denied safe parking and a code compliant driveway. If the variance were denied, they would be forced to keep the existing non-conforming and dangerously steep driveway.

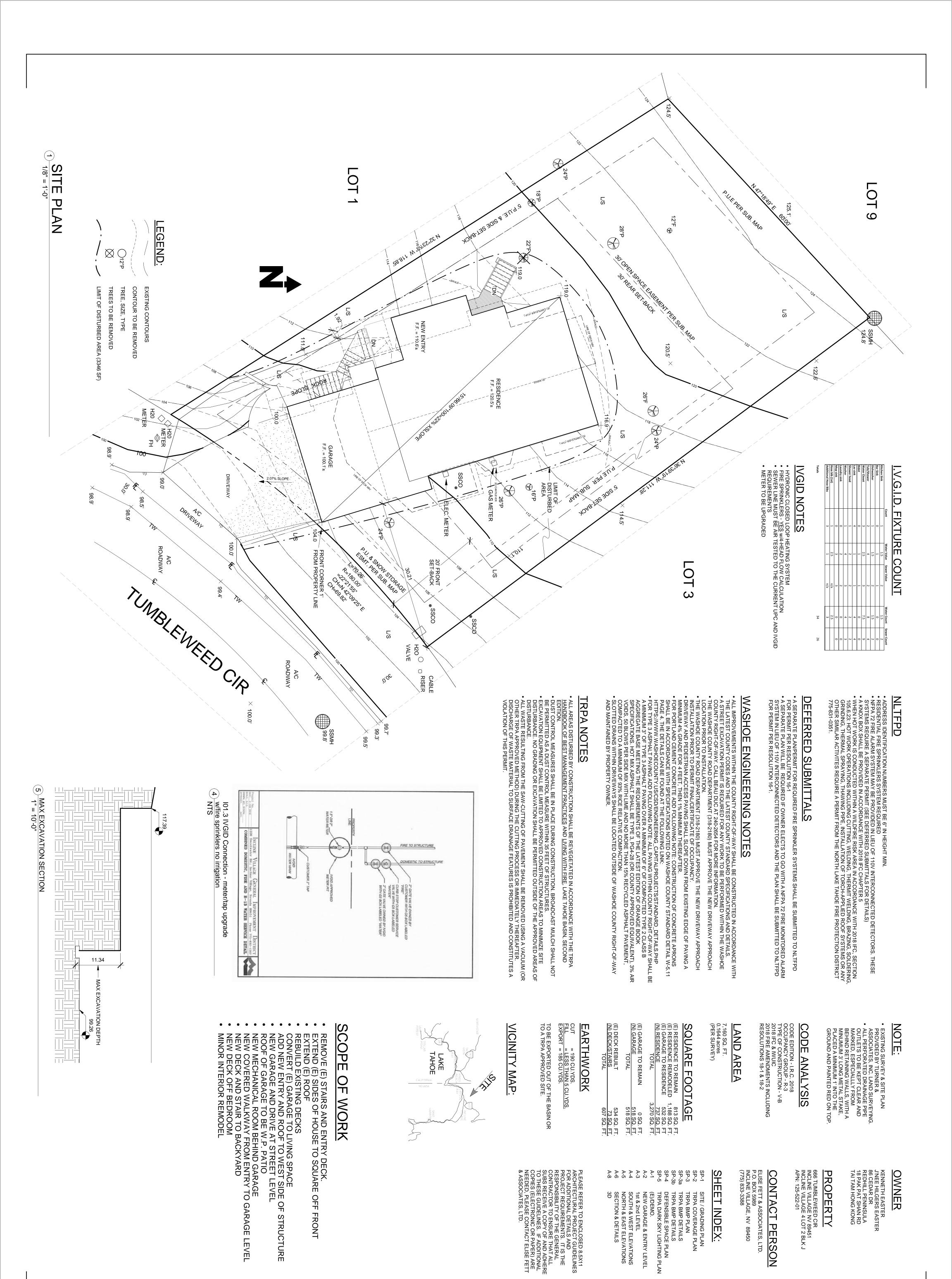
#### **Property Owner Affidavit**

Applicant Name: Kenneth Nathaniel Easter
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 )
, Kenneth Nathaniel Easter
(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): 126 - 522 - 61
Printed Name K-enneth, Nathaniel Easte Signed K. NWW LE Address (166 Tumble Weed Circle
Incline Village, Nevada 8945
Subscribed and sworn to before me this  10 day of he bruar, 2022  Notary Public in and for said county and state
My commission expires: 11/16/22
*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: <u>J'nee</u> Hilgers - Easter
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 )
J'nee Hilgers-Easter (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): 125-522-01
Tinga Hilaare - Factor
Printed Name T'nee Hilgers - Easter
Signed Jill Angus-Easter
Address le le le Tumble weed Circle
Incline Village, NV 8945
Subscribed and sworn to before me this
10th day of telorury, 2022 (Notary Stamp)
Laran Neuples
Notary Public in and for said county and state
My commission expires: 1116/22
*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.)
D. Property Agent (Provide conv. of record document indicating authority to sign.)

☐ Letter from Government Agency with Stewardship

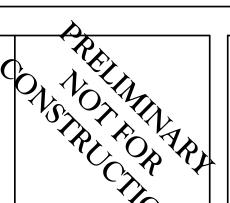


K EASTER & J HILGERS-EASTER REM.

666 TUMBLEWEED CIRCLE
INCLINE VILLAGE, NV 89451

APN: 125-522-01

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ELISE FETT
& ASSOCIATES, LTD.

AIA . RCE

ARCHITECTURE

ENGINEERING

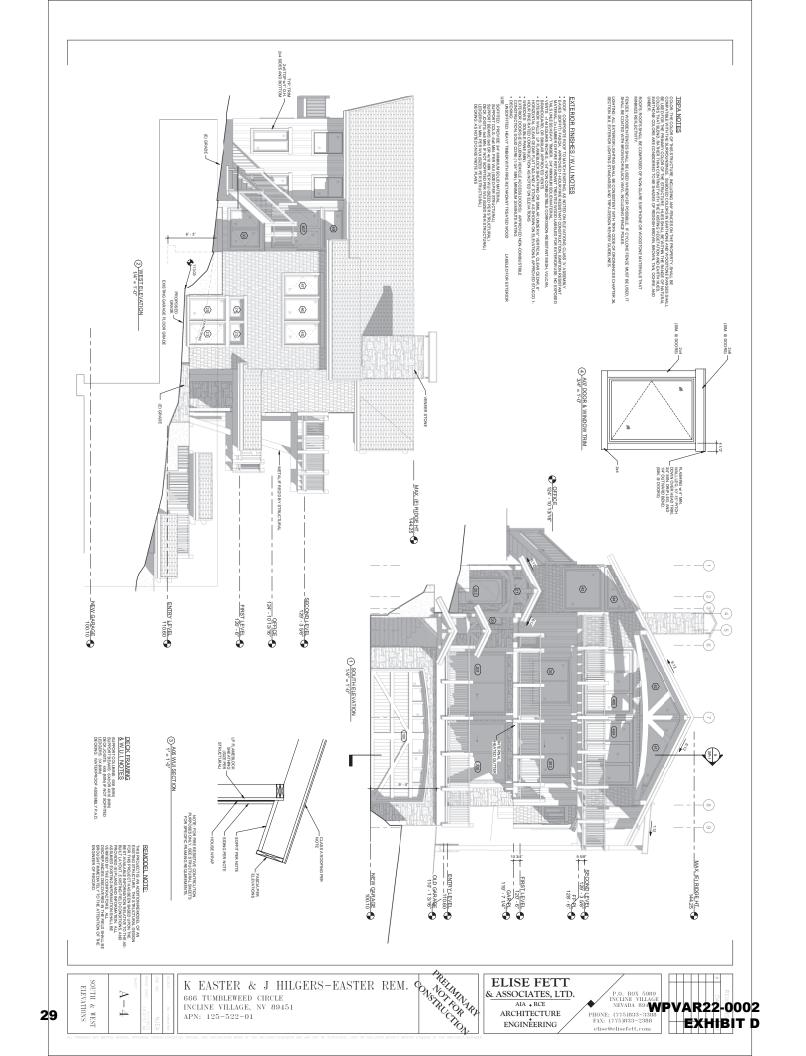
P.O. BOX 5989
INCLINE VILLAGE
NEVADA 89450

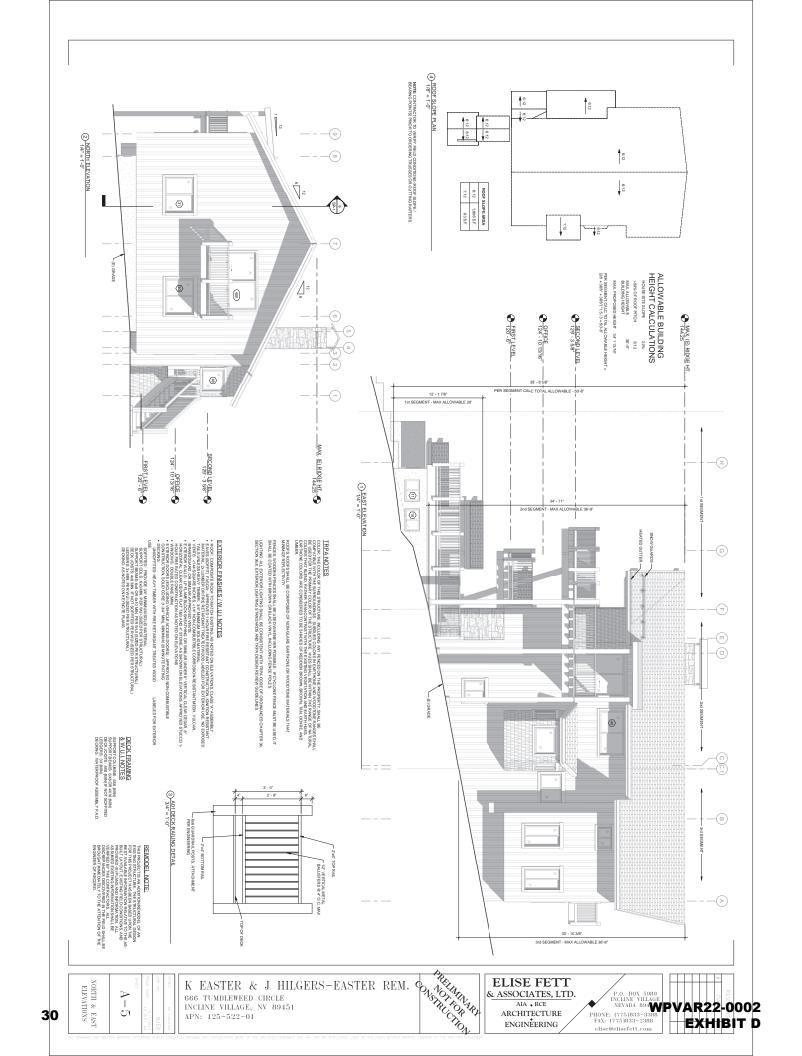
PHONE: (775)833-3388
FAX: (775)833-2388
elise@elisefett.com

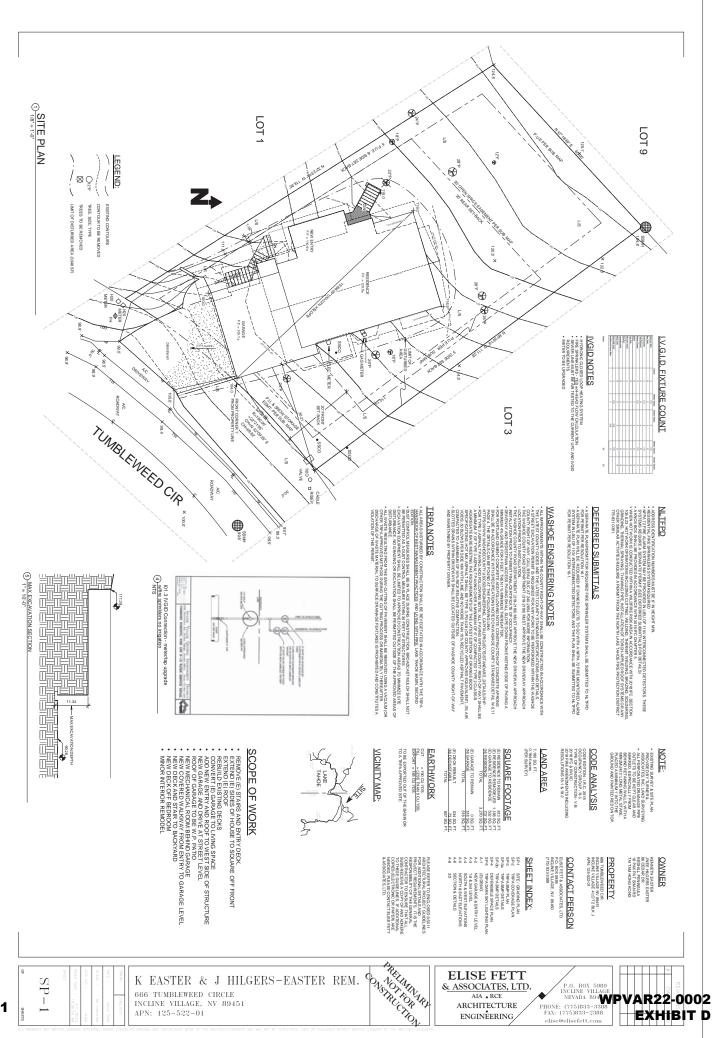
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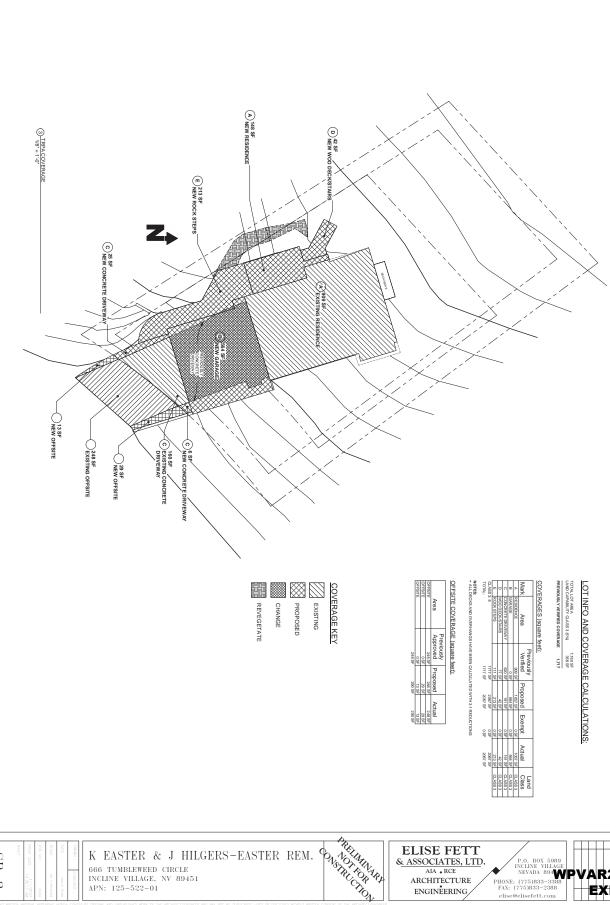
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**EXHIBIT D** 









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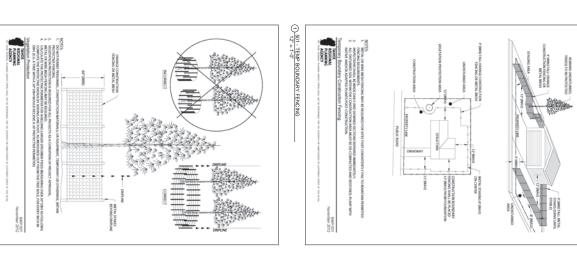
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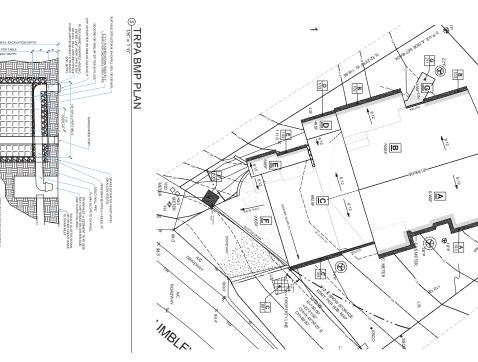


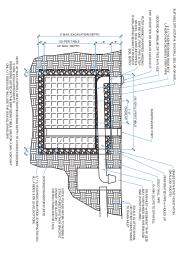
ELISE FETT & ASSOCIATES, LTD. ARCHITECTURE ENGINEERING,

P.O. BOX 5989
INCLINE VILLAGE
PRONE: (775)833-3886
FAX: (775)833-3886
elise@elisefett.com

PRONE: (775)833-3886
EXHIBIT D







2) 507 - VEGETATION PROTECTION 12" = 1'-0"

4 601 - RAINSTORE DRYWELL 3/4" = 1'-0"



LOT 3

ALL BARREN, ARENS AND ARENS DISTURBED BY CONSTRUCTION SHALL BE REVECETATED IN ACCORDANCE WITH THE TRAP HANDROOK OF BEST MANNAGEMENT PRACTICES AND THE HOME LANDSCAPING GUIDE FOR LAKETAHOES WOMNTY, APPLICATION OF A MULCH MAY BHHANCE VEGETATI ESTABLISHNENT.

NSTALL PARKANG BARRIERS TO RESTRICT PARKING TO PAVED SURFACES ONLY. ALL PROJECT RELATED VEHICLES SHALL PARK ON EXISTING PAVED SURFACES OR EXISTING COMPACTE ROAD SHOULDERS. VIDE VEGETATION PROTECTIVE FENCING AROUND CONSTRUCTION AREA AS SHOWN ON PLAN. NO ETHAN 12 FROM CONSTRUCTION AREA.

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)GRAPHS SHALL BE TAKEN TO SHOW DEPTH AND INSTALLED DEVICE FOR ANY EXCAVATED THEN "ILLED BMP SYSTEM.

# BMP CALLOUTS:

**DECK STAIR G 10 TREATMENT G -** ROCK ARMORED EL EVATED STRUCTURE. PROVIDE ,5 CUBIC YARD OF ARMORED DRAIN ROCK UNDER NEW DECK AND STAIRS AS SHOWN ON PLANS AND PER DETAILS. <u>ROOFD 10 TREATMENT D</u> - INFILTRATION TRENCH. PROVIDE A 10 L X 24"W X 4"D INFILTRATION TRENCH. AT THE DRIPLINE OF THE ROOF AS SHOWN ON PLANS AND PER DETAILS. ROOFA TO TREATMENT A - INFILTRATION TRENCH. PROVIDE TRENCH - 44"L X24"W X 7"D OF DRAIN ROCK AT THE DRIPLINE OF THE ROOF AS SHOWN ON PLANS AND PER DETAILS. **10 OF DRIVEWAY F 16 TREATMENT F** - INFILTRATION FACILITY, PROVIDE GRAVEL INFILTRATION FACILIT "LIX 48"WIX 28"D OF DRIAIN ROCK AT END OF SLOTTED DRAIN AS SHOWN ON PLANS AND PER DETAIL. **SOOFE SO TREATMENTE** - INFILTRATION TRENCH, PROVIDE A 17 LX 18"W X 4"D INFILTRATION TREN AT THE DRIPLINE OF THE ROOF AS SHOWN ON PLANS AND PER DETAILS. <u>DOD DECK PATIO CIGITRATINENT C.</u> INFLITATION ITEMOLIAND FACILITY. PROVIDE A 14 51, X 21'W. (10'D INFLITATION ITEMOLIAT THE PATIO WITH CONNEY YAMCE PIPET OI MANUFACTURED INFLITATION "ACILITY WITH SEDIMENT TRAP. AS SHOWN ON PLANS AND PER DETIALS." NO OF B 10 TREATMENT B : INFILTRATION TRENCH . PROVIDE TRENCH -  $32L \times 32'W \times 10'D$  OF DRAIN NOCK AT THE DRIPLINE OF THE ROOF AS SHOWN ON PLANS AND PER DETAILS. IF TREE ROOTS 3" OR LARGER ARE ENCOUNTERED, CONTACT ELISE FETT AND ASSOCIATES FOR BMP DE SIGN ADJUSTMENTS.

# CURRENT BMP CERTIFICATE STATUS



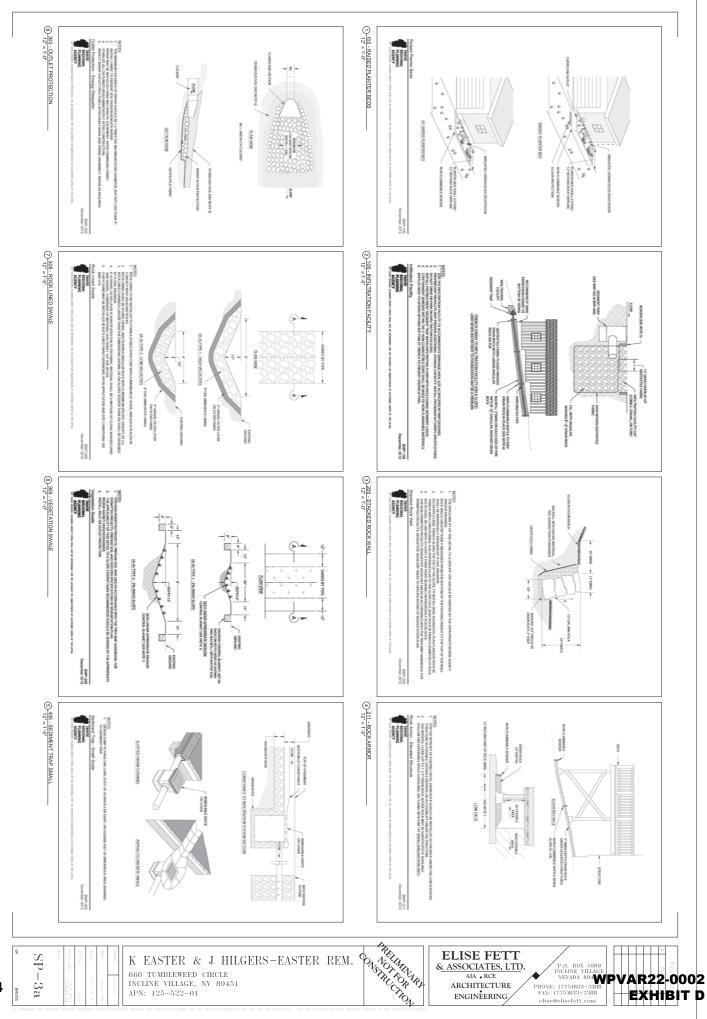
TRPA APPROVED EROSION CONTROL 12 FROM THE BUILDING FOOT PRINT TREES TO BE REMOVED TREE, SIZE, TYPE CONTOUR TO BE REMOVED NO MORE THAN

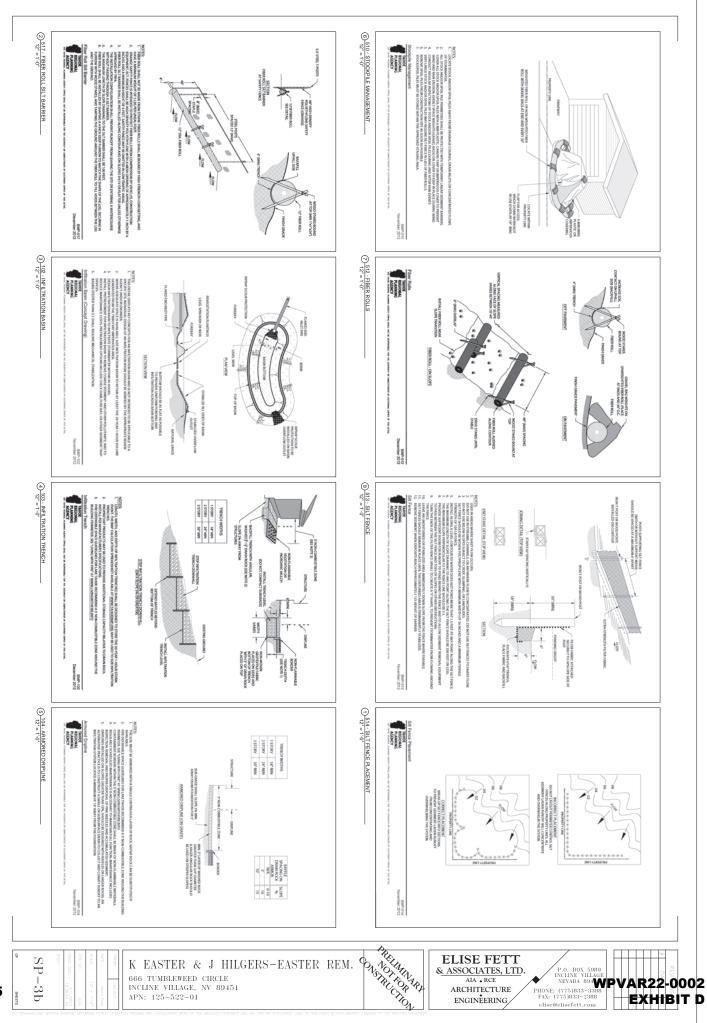


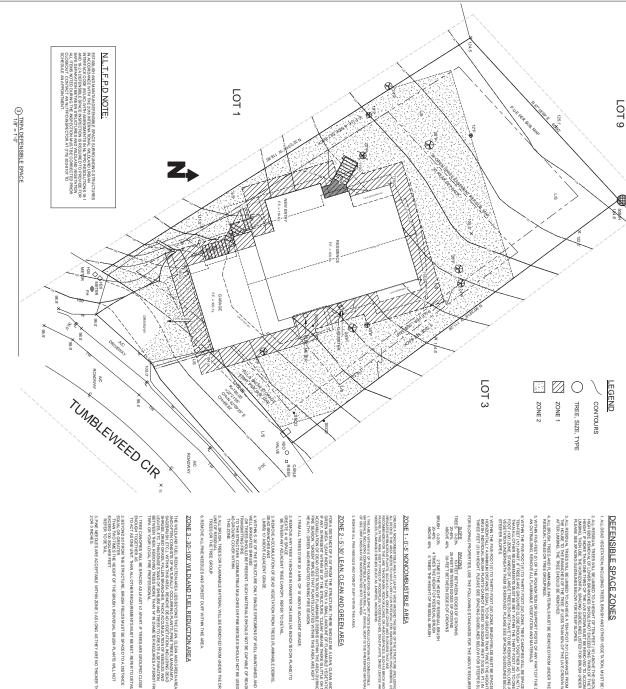


APN: 125-522-01

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







# DEFENSIBLE SPACE ZONES

ALL RESIDUAL TREES WILL BE LIBED TO AHEAN OF TEMPER (TO ABOVE THE GROUND ON THE HEAVEN OF THE TOWN THE WHEN YELL BERROWN, OF COMER DRAWN DES SOULD HOT DECEDED ONE THEREOF THE TOWN. THE PUBLICAT IS LONGETHAN ONE THAN DO THE LIME DOOM HILLST BE READINED TO ACCOUNTUS THIS LIBERON THAN USE THAN ONE THAN

ALL RESDIDJAL TREES WILL BE LIMBED TO ACHED/E A TEX-FOOT (10) CLEARANCE FROM MY PART OF THE HOUSE TO THE BRANCHES OF THE TREE. IF LESS THAN 60% OF THE LIVE CROWN WOULD BE LEFT AFTER LIMBBYS, THE TREE SHOULD BE REMOVED.

WITHIN FIVE-FEET (5) OF THE FOUNDATION OR SUPPORT POSTS OF ANY PART OF THE STRUCTURE OF AN OUTBUILDING, REMOVE ALL FLAMMABLE VEGETATION AND MATERIALS. ALL BRUSH, TREES AND FLAMMABLE NATERIALS MUST BE REMOVED FROM UNDER THE DRIP LINE OF RESIDUAL TREES OR TREE GROUP INGS.

WITHIN THE FIVE POOT (8) TO THEN THE FOOT (9) OIZ ZOME, TREE CAMAPIES WILL BE SPACED AT LEAST TEAHERT (10) MART IT PREES ARE GROUPED LOOSE MENOUGH TOSCTIPES AS TO ACT AS ONE UNIT THAN ALL OTHER REQUIREMENTS MUST BE KET WITHIN THE THEN'THEOTY (80) TO ONE-HUNDRED-FOOT (101) ZOME, STANDS OF LARGE TREES DO NOT HAVE TO BE REALOWED SOLLOMA, AST THE VIGGET JADON LINDERNESTH. THEN IS REMONDED. ALSAES SEE SPACIANG GULDELINES BELOW FOR

# ZONE 1 - 0'-5' NONCOMBUSTIBLE AREA

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# ZONE 2 - 5'-30' LEAN, CLEAN AND GREEN AREA

ANGE OF SOI FROM THE STRUCTURE, THERE SHOULD BE ALEAN, QLEW AND LEA, "LEAN" RIDGATES THAT ONLY, A SMAL, AMOUNT OF FANMMEER VEGETING THE RESERIN WITHIN 37 OF THE STRUCTURE, "CLEAN" MEANS THERE IS LITTLE OR NO TITM) OF DEAD VEGETIN THOU OR FLAMMEED EDBESS WITHIN THE AREA JURIS OF VICKNESS WAR THE STRAIT PLANTS LOCATION WITHIN THIS AREA, ARE KETT GREEN AND RINGATED DURKED FREE SESSON WITHIN THIS AREA, ARE KETT GREEN AND RINGATED DURKED FREE SESSON WITHIN THIS AREA, ARE KETT WE WAS THE WAS THE STRUCTURE OF THE STRUCTU

REMOVE ANY TREE 14 MOHES IN DIAMETER OR LESS (AS NIDICATED ON PLANS) TO REATE A 10' SPACE BETWEEN ANY ADJACENT TREE CANOPY, REFER TO DETAIL. TRIMALL TREES OVER 20' A MIN. OF 10' ABOVE ADJACENT GRADE.

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TREASTED SHALDS

TREES SHOULD BE PRESENT. SUCH MATERIALS SHOULD NOT BE CAPABLE OF READ TREES SHOULD BE PRESENT. SUCH MATERIALS SHOULD NOT BE CAPABLE OF READ TREES SHOULD BE PRESENT. AUGTURE. COMBUSTIBLE MULCHES OR PINE NEEDLES SHOULD NOT BE USED COVER WITHIN MTERIALS SHOULD NOT BE CAPABLE OF READIL

A.ALL BRUSH, TREES OR FLAMMABLE MATERIAL WILL BE REMOVED FROM UNDER THE DRIFT TREES UNL. OF RESDULA. TREES ON THE TREE GROUP. OVE ALL PINE NEEDLES AND FOREST DUFF WITHIN THIS AREA

ZONE 3 - 30'-100' WILDLAND FUEL REDUCTION AREA

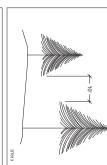
TAVA INVOTAKES THE HEIGHT OF THE BRUSH, INDIVIDUAL BRUSH PLANTS WILL NOT THAN TWO TAKES THE HEIGHT OF THE BRUSH, INDIVIDUAL BRUSH PLANTS WILL NOT RICERT TO DETAIL. OND 30 FROM THE STRUCTURE, BRUSH FIELDS MUST BE SPACED TO A DISTANCE INVO TIMES THE HEIGHT OF THE BOURN AND TIMES THE

> TRIMALL LOW HANGING LIMBS SO THAT NONE ARE LOWER THAN 10'-0" OF THE GROUND. ALL RESIDUAL TREES WILL BE LIMBED TO A HEIGHT OF NOT TO EXCEED 1/3 OF THE TOTAL TREE HEIGHT. RESIDUAL TREES WILL BE LINBED TO ACHEVE 10:0" CLEARANCE FROM PART OF THE HOUSE TO THE BRANCHES OF THE TREE. IF THIS WOULD PART OF THE REMOVAL OF THE CROWN EXCREDING THE LOWER 1/3 OF THE L, THEN THE TREE SHOULD BE REMOVED.





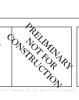
# TREE & LOWER SHRUB SEPERATION NSIBLE SPACE ZONE, THERE LOWER GROWNING VEGETATION TATROXI THAT GAM CARRY VERE LULER PLANTS IS CALLED 'LADDER NOED SEPARATION FOR LADDER E LOWER VEGETATION LAVER. E LOWER VEGETATION LAVER. SO OF THE TREE HEIGHT. MOVE PLANTS. ION ON'T RESIDENT MOVE PLANTS. ON ON'T RESE BRANCHES. REMOVEL OWNER THEE BRANCHES. DT613



### ON FLAT TO GENTLY SLOPING TERMAN, NDIVIDUAL SHRUBS OR SMALL CLUMPS OF SHRUBS WITHIN THE DEFENSELE SPACE ZOME SHOLLD BE SEPARATED ROOM ONE ANOTHER BY AT LEAST TWO THE A VERSING THE SHRUBS FOR STEEPER SLOPES, THE SEPARATION STRUCKS SHOLLD BE GREATER. SHRUB SEPARATION 88

K EASTER & J HILGERS-EASTER REM.  $_{\rm 666}$  tumbleweed circle incline village, NV  $_{\rm 89451}$ SP-4

APN: 125-522-01



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

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NEVADA 894

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elise@elisefett.com WPVAR22-0002

EXHIBIT D

TREE SEPARATION

