

Washoe County Board of Adjustment



WPVAR23-0002

Eget

June 1, 2023

Request

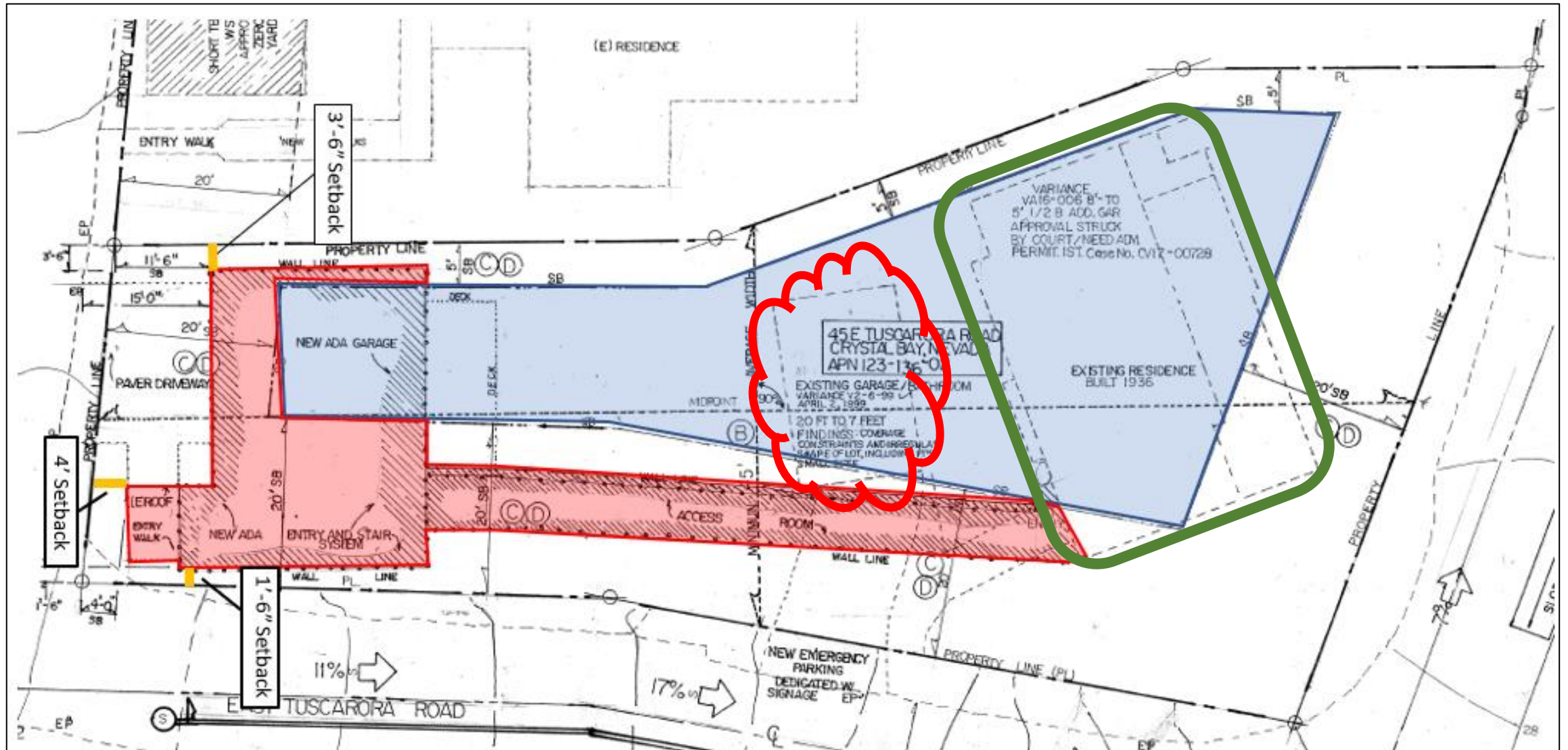


Variance to vary two (2) front yard setbacks from 20' to 4' and 1' 6", and a side yard setback from 5' to 3' to construct a garage with living space, above and below, and to increase the maximum height of a front yard fence from 4' to 6'.

Vicinity Map



Site Plan

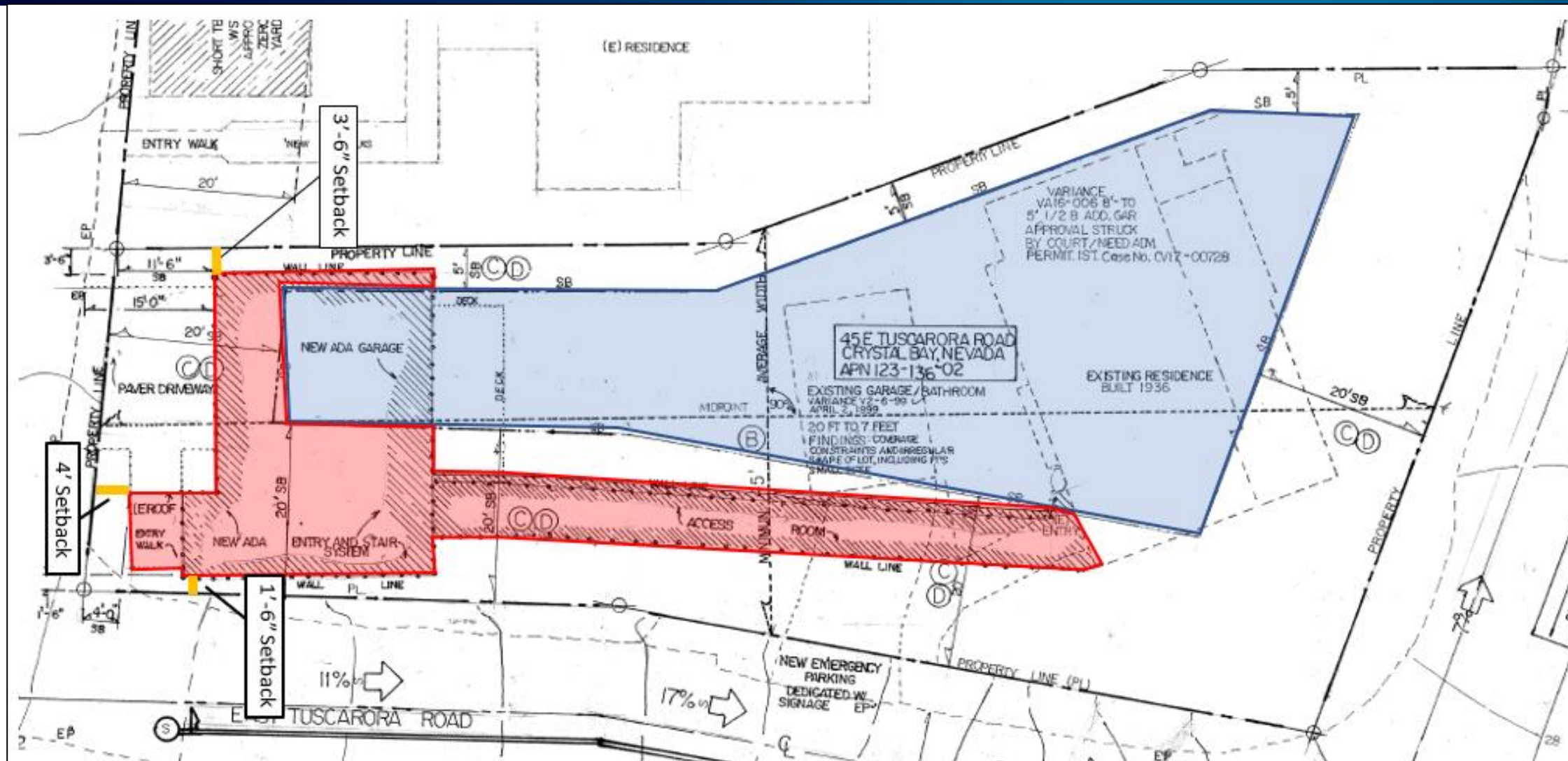


Evaluation

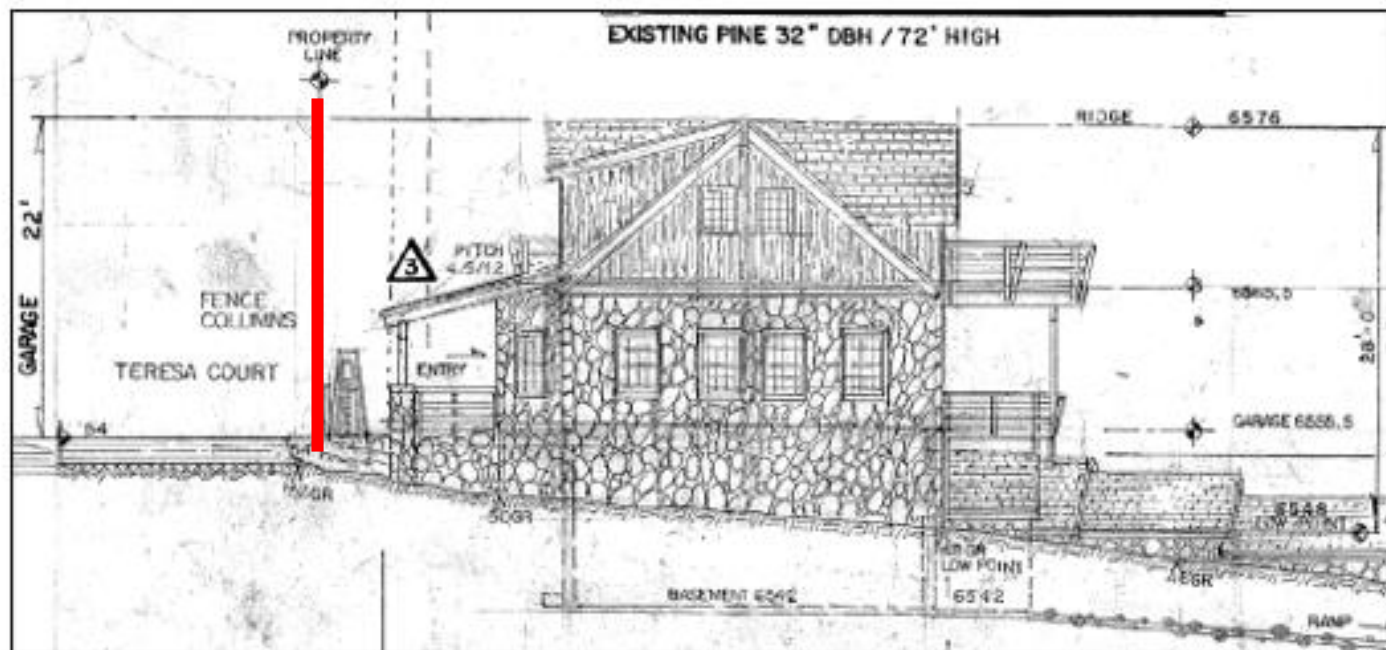
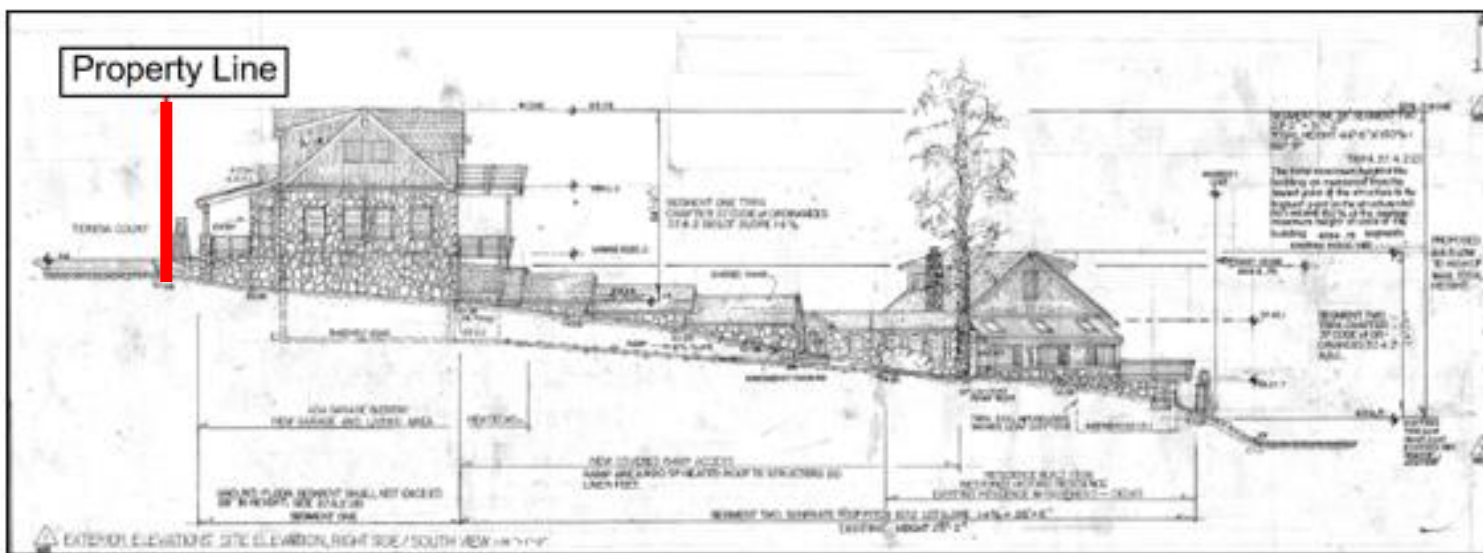


- Request to reduce the required two (2) front yard setbacks from 20 feet to 4 feet on one front yard and 1 foot 6 inches on the other.
- The request also proposes to reduce the required side yard from 5 feet to 3 feet and to increase the maximum height of a front yard fence from 4 feet to 6 feet.

Proposed Setbacks

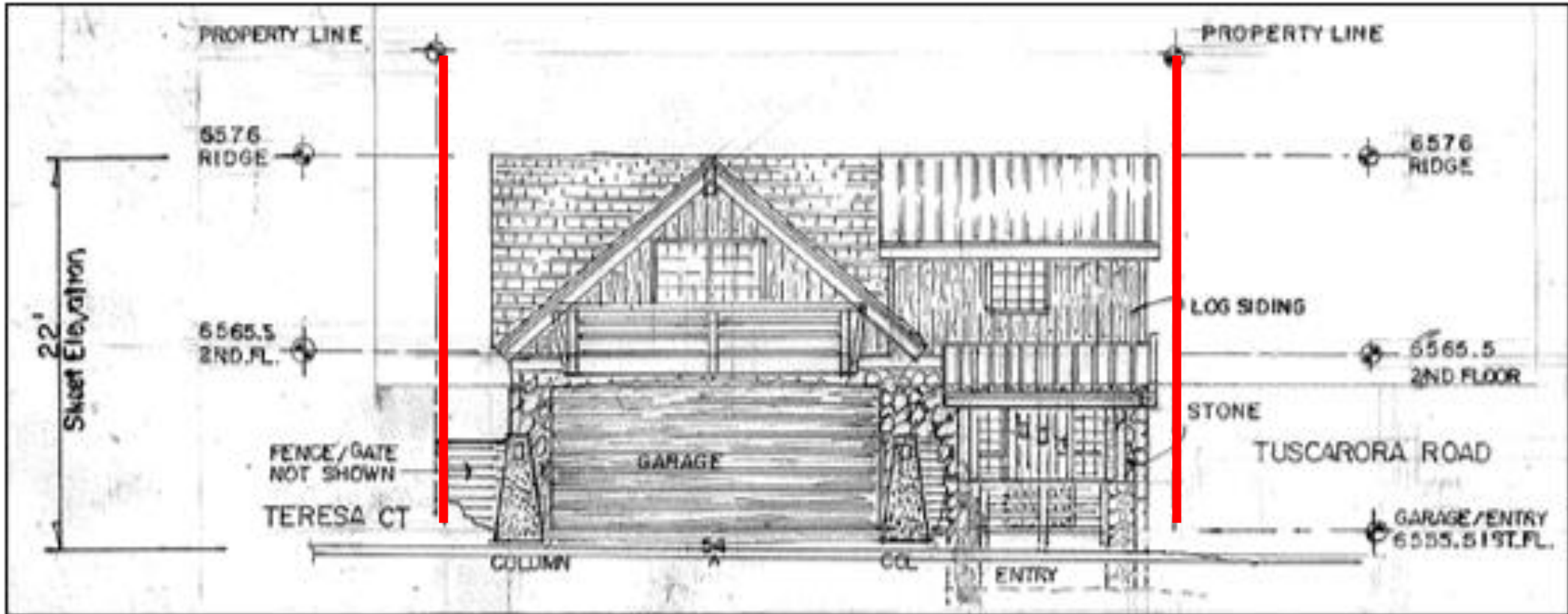


Elevations



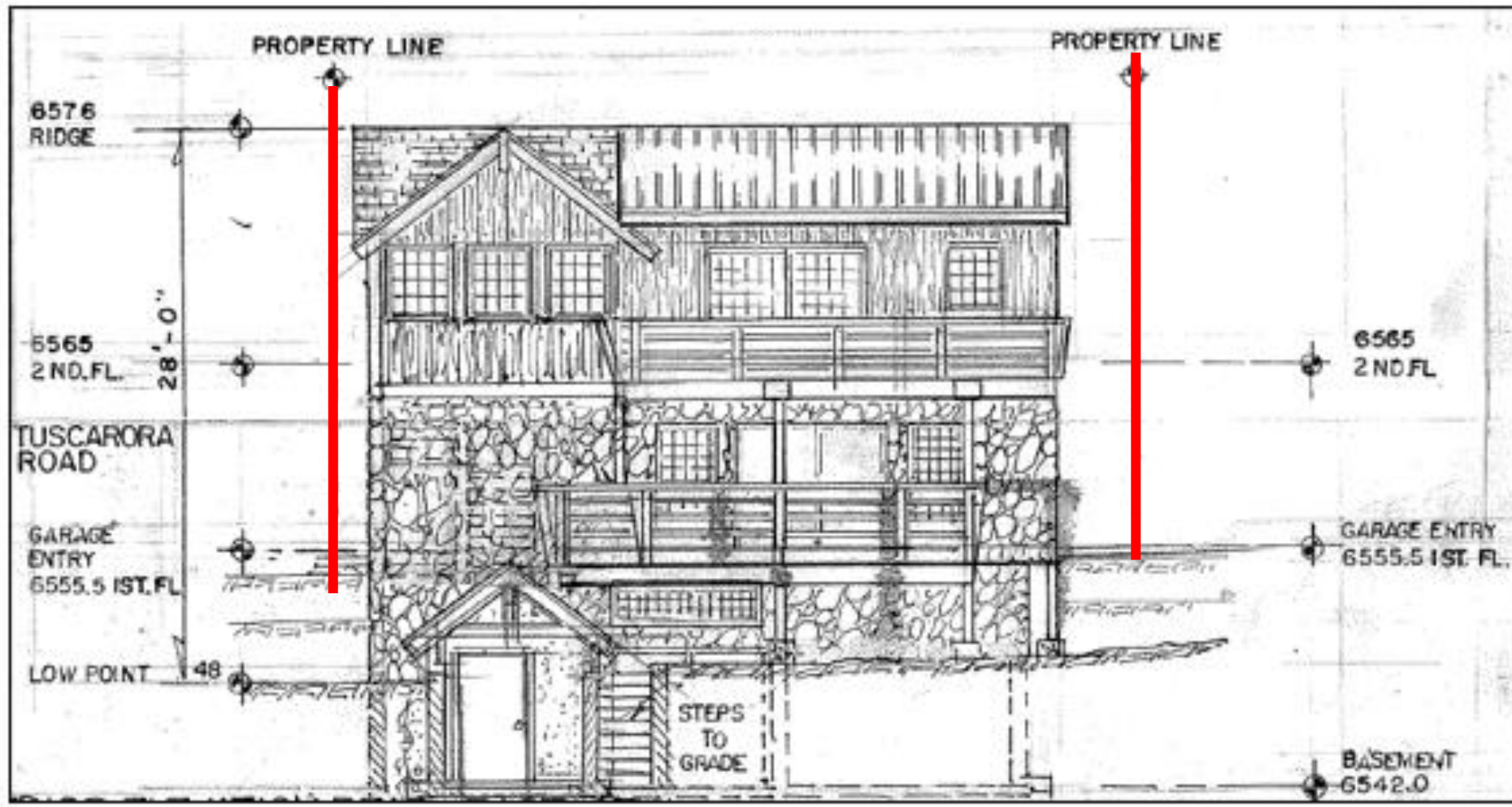
South Elevations

...continued



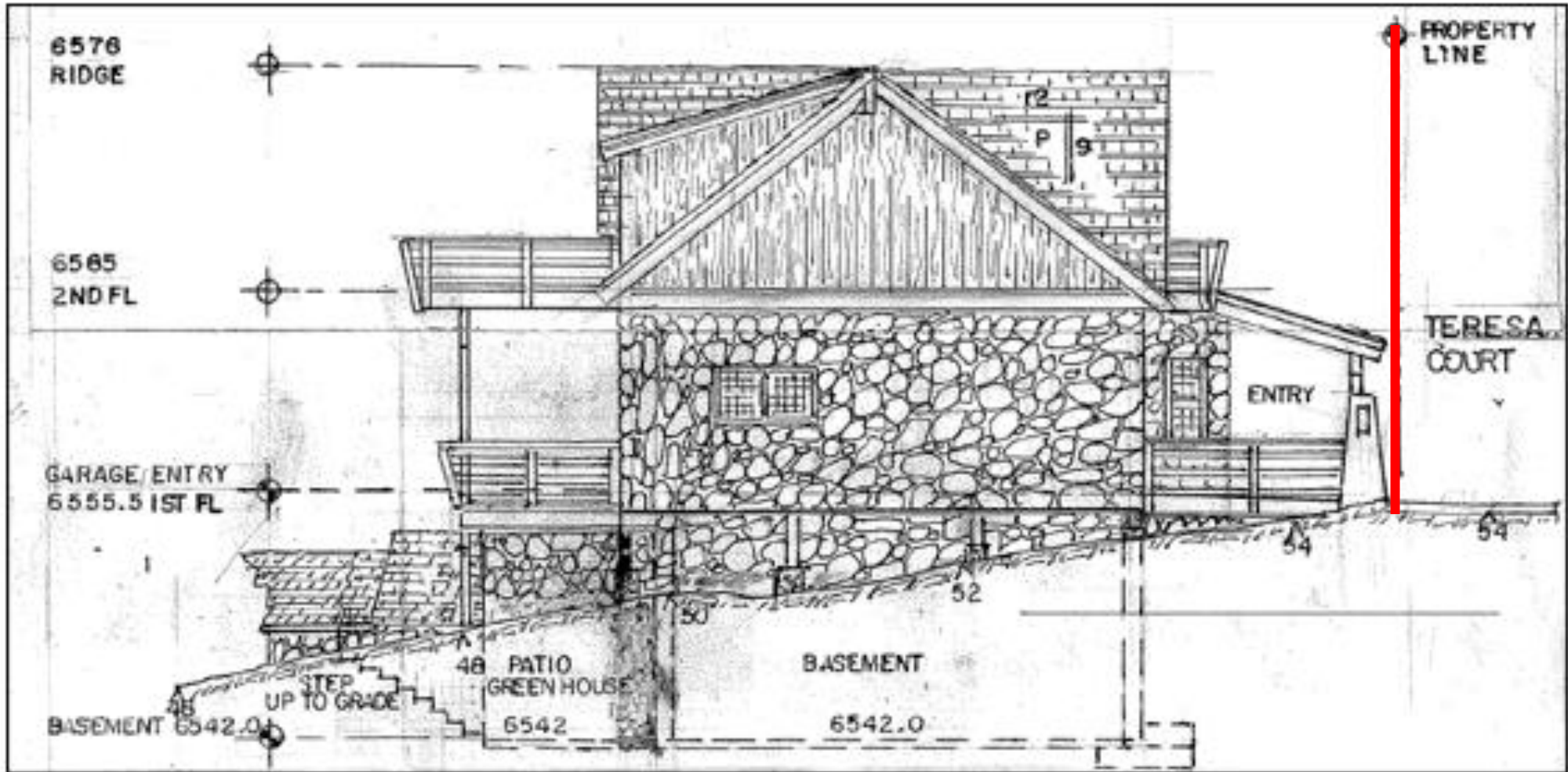
West Elevation

....continued



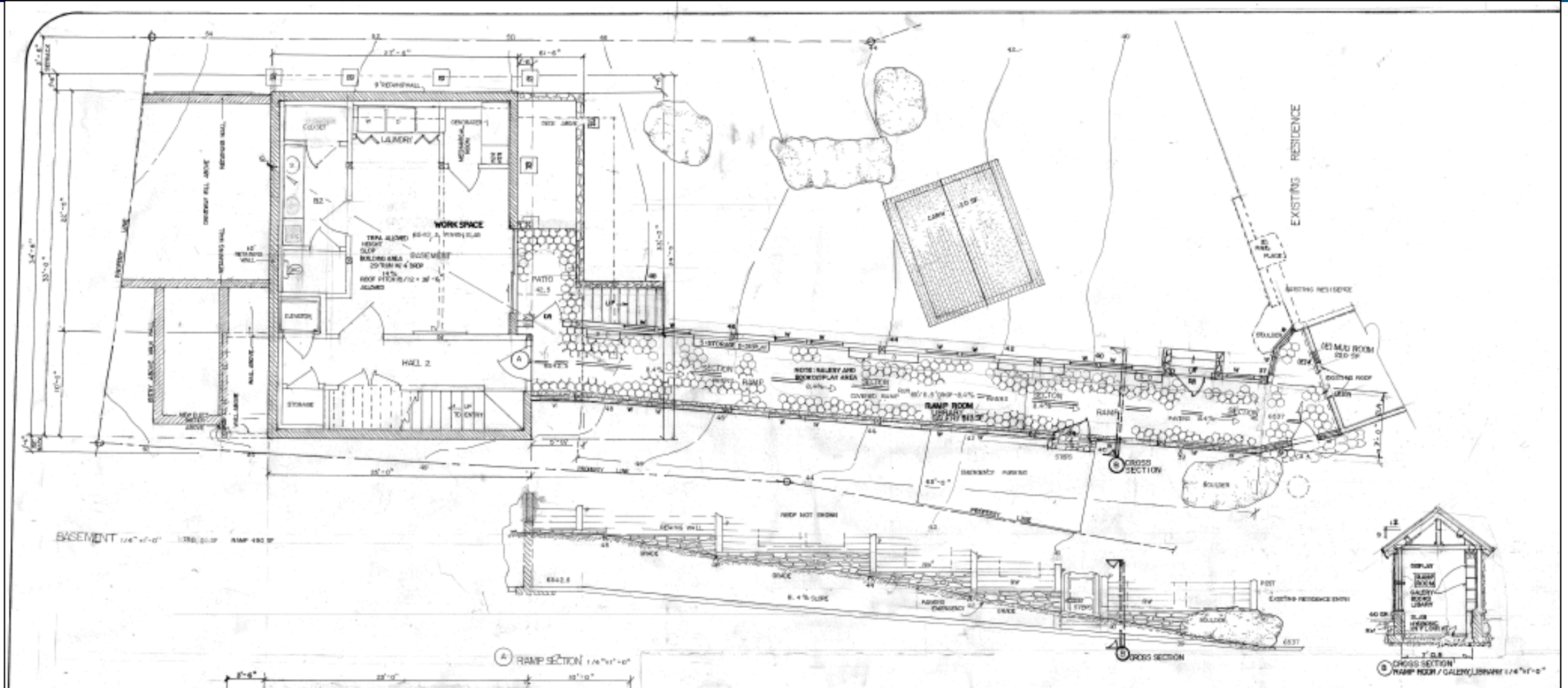
East Elevation

...continued

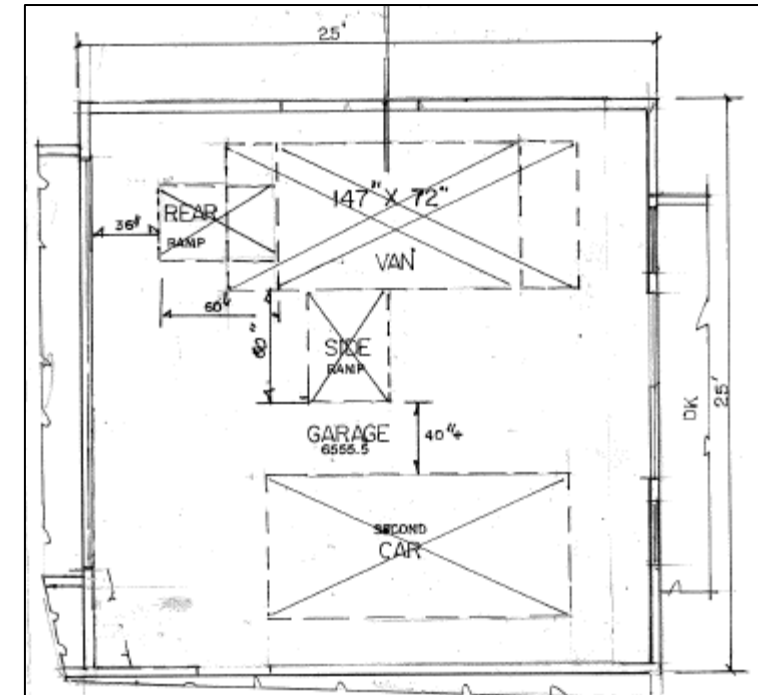
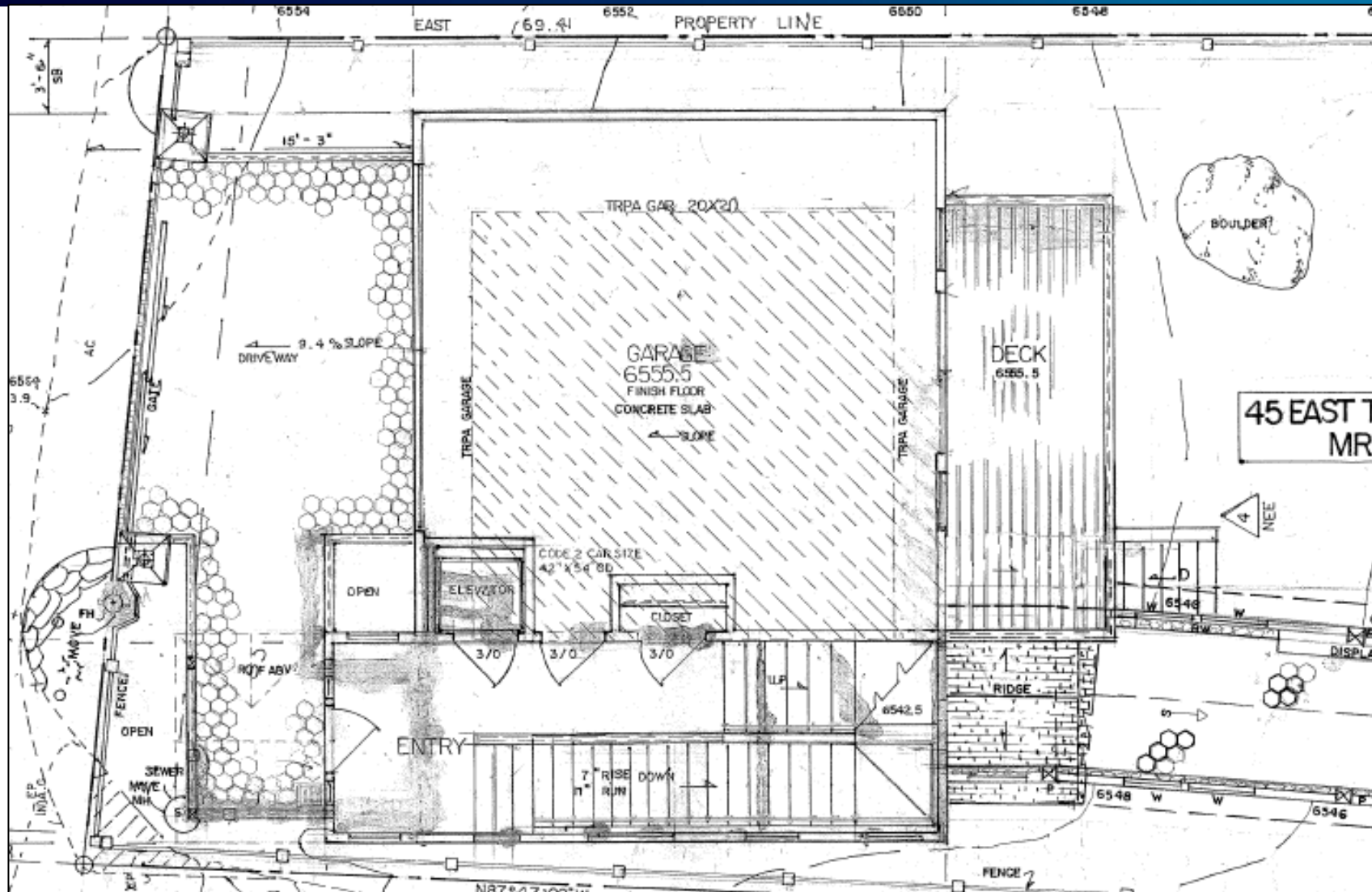


North Elevation

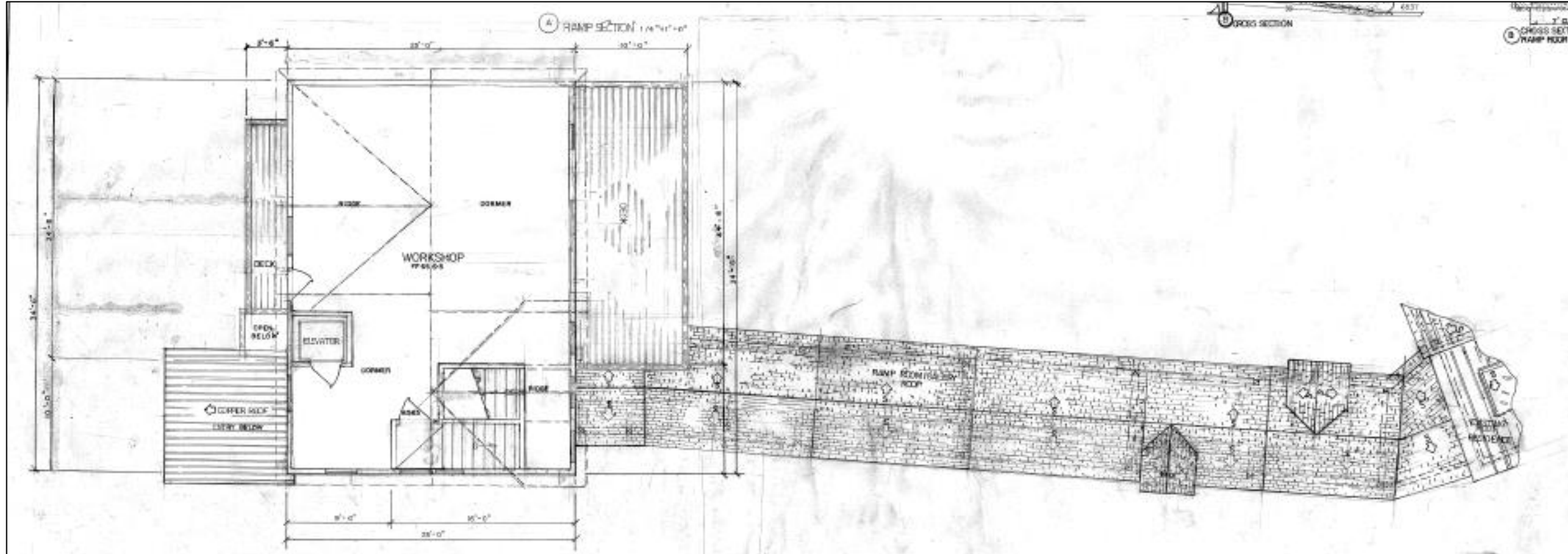
Basement Floor Plan



Garage Level Floor Plan



Second Level Floor Plan



View from Teresa Court



View from Tuscarora Road

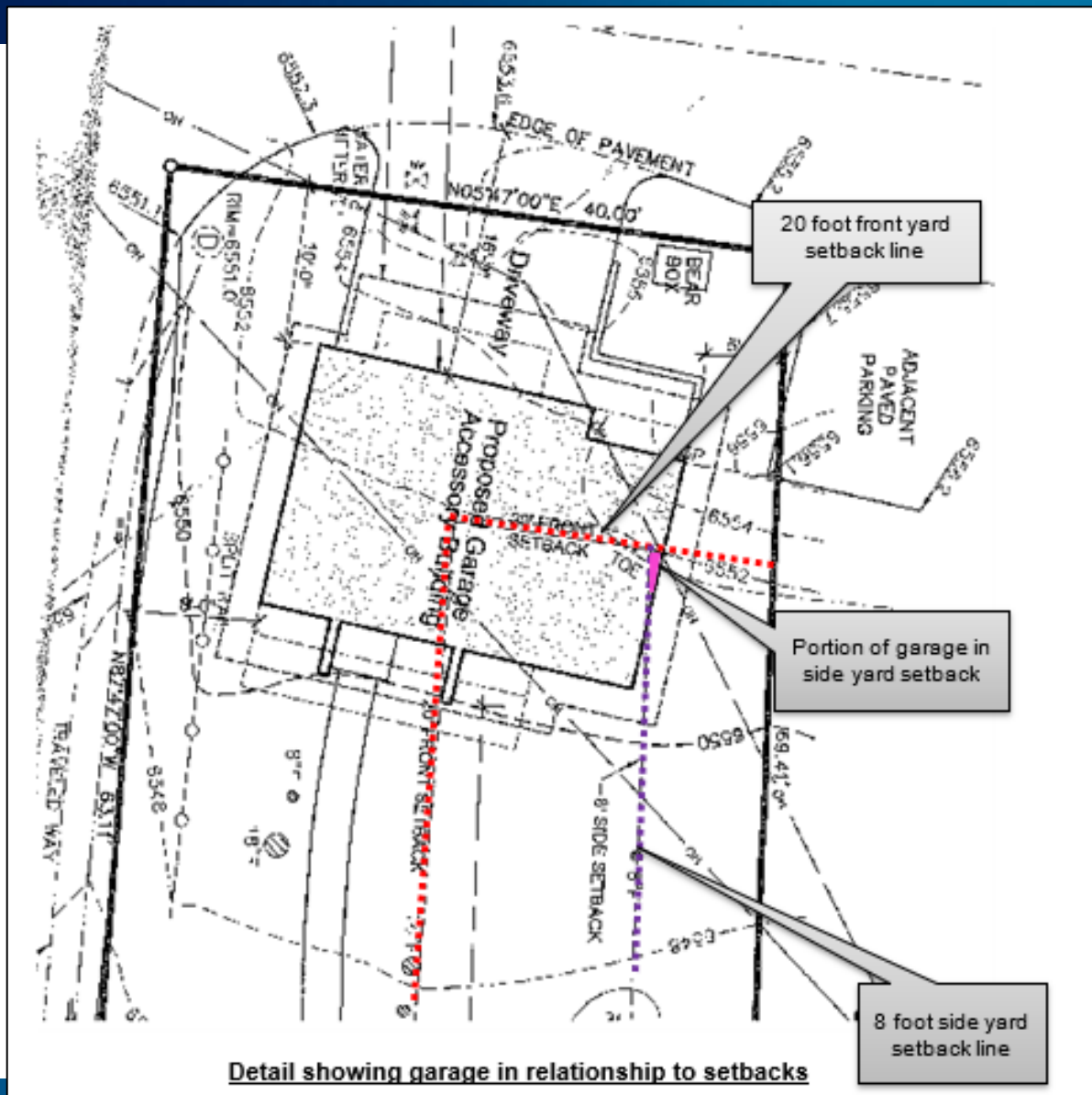


Parcel Background



- In 2017, the Board of Adjustment considered an application for a variance to construct a detached accessory structure/garage, in a similar location, and to vary setbacks for additions to the primary residence.

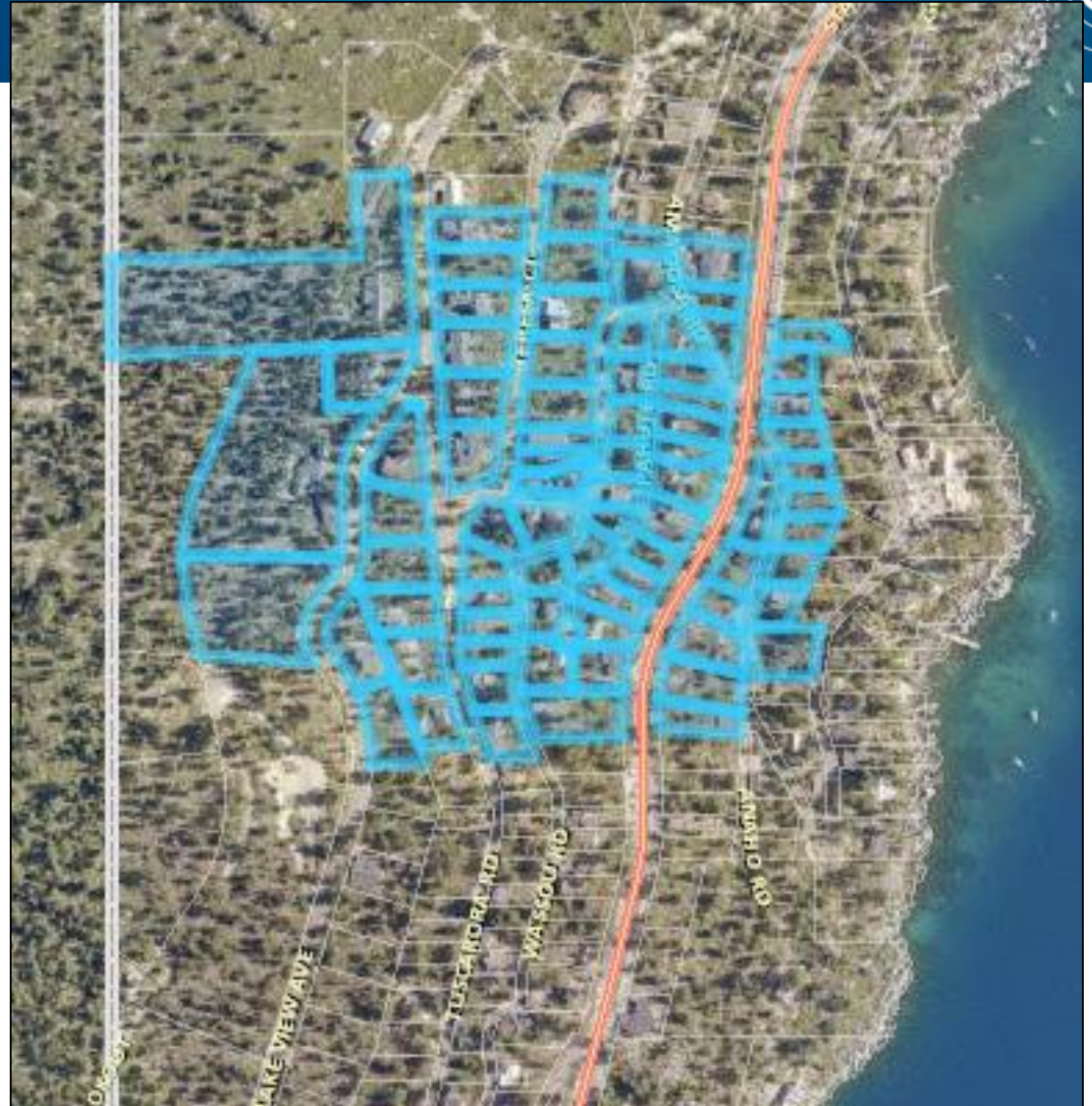
Previous Site Plan



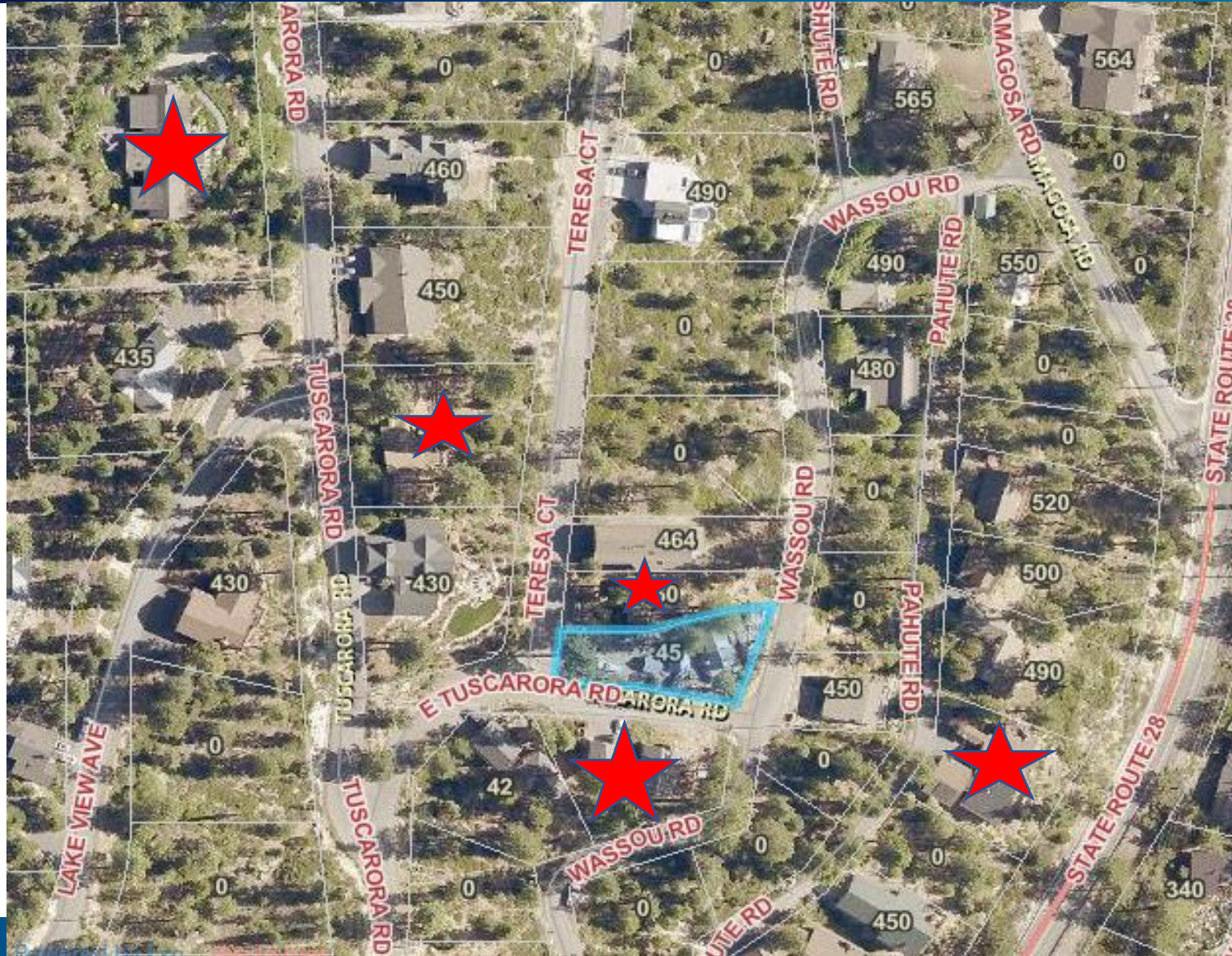
Detail showing garage in relationship to setbacks

Noticing

- 49 parcels were noticed
- Five (5) letters of support were received after the agenda was posted
- No Neighborhood Meeting was required.



Public Comment



Reviewing Agencies



- Applicable agencies reviewed the application, their comments are included in the staff report as Exhibit A

Agencies	Sent to Review	Responded	Provided Conditions	Contact
NV Water Resources	X	X		
Washoe County Building & Safety	X	X		
Washoe County Sewer	X			
Washoe County Traffic	X			
Washoe County Water Rights Manager (All Apps)	X	X		
Washoe County Engineering & Capital Projects Director	X			
Washoe County Engineering (Land Development) (All Apps)	X	X	X	Rob Wimer, rwimer@washoecounty.gov
WCHD Air Quality	X			
WCHD Environmental Health	X	X		
Incline Village Roads	X			
IVGID	X	X		
North Lake Tahoe FPD	X	X		
Tahoe Regional Planning Agency	X			

Findings

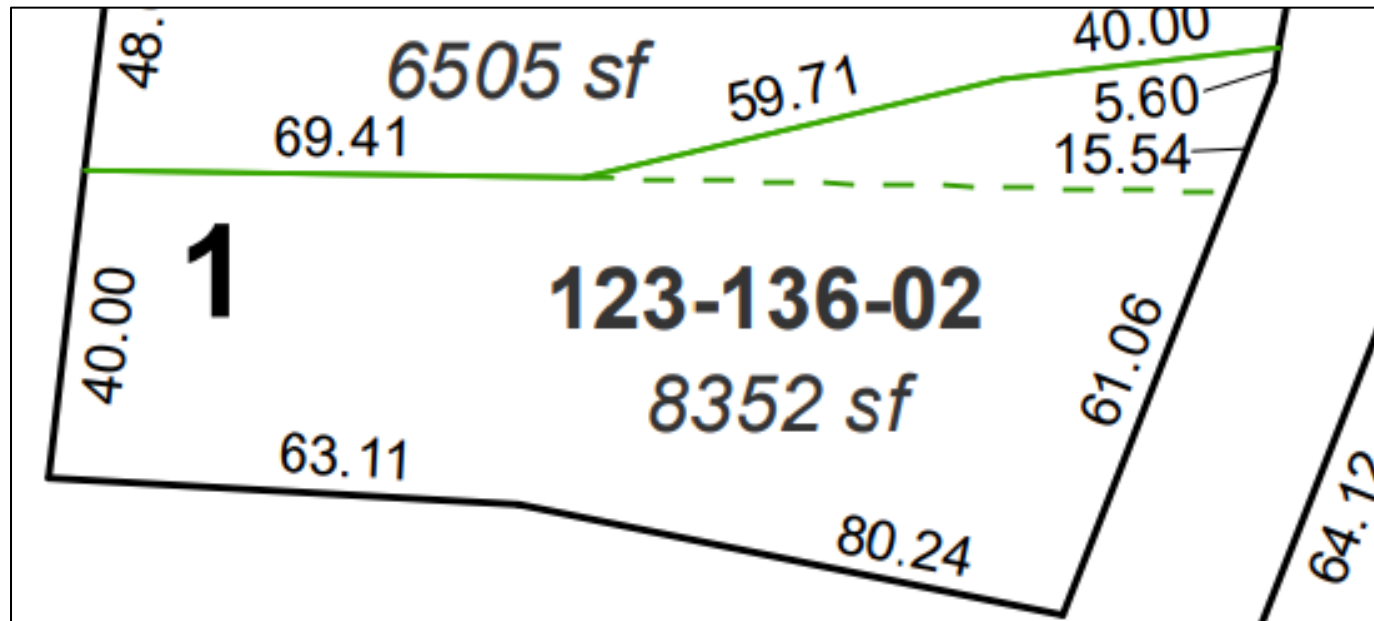


- Approval of a variance is limited to particular circumstances. Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances and only under particular circumstances.
- The applicant has the responsibility to demonstrate that the subject property exhibits one or 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.

Hardships



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.



Staff is not able to make the required findings:



- (a) 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: 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 developing the property in the same manner as surrounding properties; the parcel is already developed with a single-family dwelling and garage.*

Findings Continued



- b) No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted.
- Staff Comment. *There are no identifiable special circumstances applicable to the subject parcel and granting the variance would impair the intent and purpose of the Development Code and will be substantially detrimental to the public good. Virtually eliminating the front and side yard setbacks could have negative impacts to the neighboring properties, and existing road conditions, for needed drainage, snow storage, and aesthetic considerations, etc. Allowing development that does not conform to generally applicable code requirements, such as yard setbacks, with no special circumstances, this finding cannot be made to support approval of the requested variance.*

Findings Continued



- c) No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.
- Staff Comment: *There are no special circumstances applicable to the property, approval of the requested variance has the potential to grant special privileges by allowing the garage and living space to be constructed within the required front and side yard setbacks. Further, the parcel is already developed with a single-family dwelling and garage. Allowing development that does not conform to generally applicable Code requirements, such as yard setbacks, with no special circumstances, a finding of 'no special privileges' cannot be made to support approval of the variance request.*

Findings Continued



- d) 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. *There are no identifiable special circumstances applicable to the subject parcel; granting the variance would impair the intent and purpose of the Development Code and would authorize a use or activity, which is not otherwise expressly authorized by the standards and regulations governing the subject parcel. While a detached accessory structure, such as a garage, is an allowable use in the subject regulatory zone, allowing development that does not conform to generally applicable Code requirements (such as required yard setbacks) without identifiable special circumstances, this finding cannot be made to support approval of the variance request.*

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 WPVAR23-0002 for Jeffrey Eget, having been unable to make all four required findings in accordance with Washoe County Development Code Section 110.804.25

Thank you

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