

Washoe County Board of Adjustment



COMMUNITY
SERVICES DEPARTMENT

Variance Case Number
WPVAR24-0003 (Marelich Variance)

May 2, 2024

511 Jensen Circle

APN 124-072-06



Vicinity Map



- 0.42-acre parcel
- Surrounding parcels are similarly developed with single-family dwellings
- Tahoe
- Zoned Wood Creek



The request is for:

- A variance to vary the fence height along the front property line from four and one-half (4.5) feet to six (6) feet for security and aesthetic purposes.

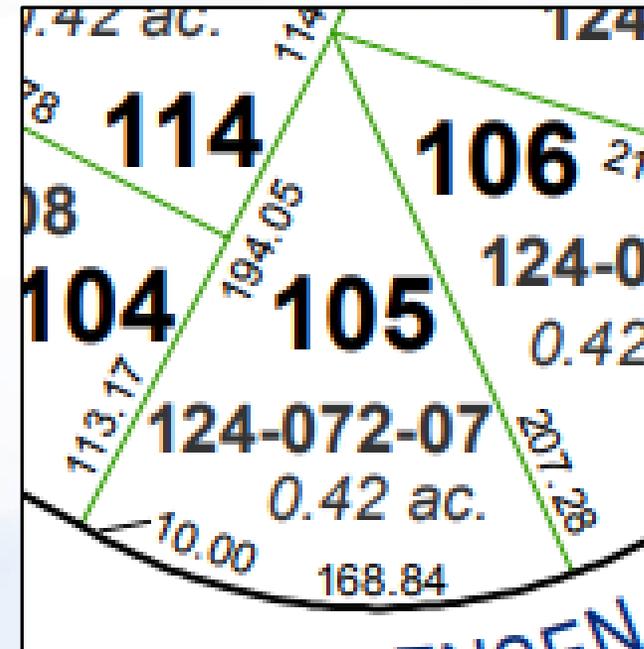
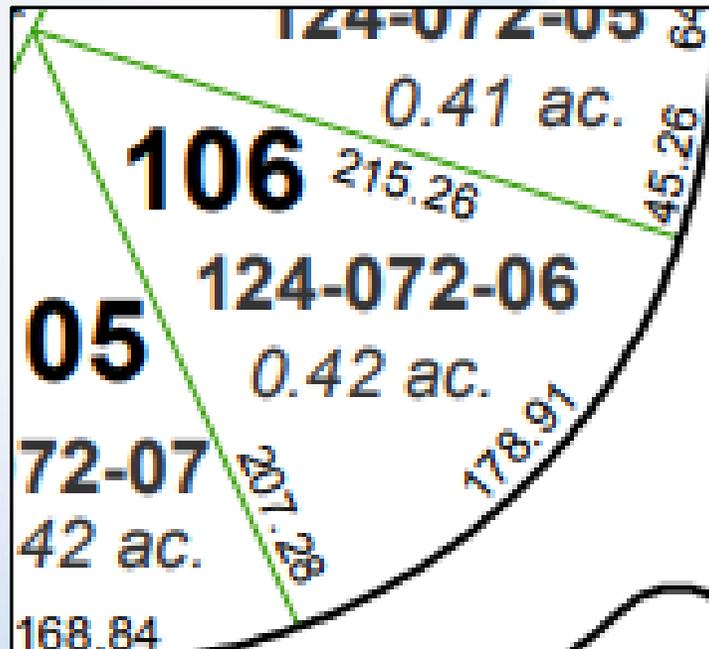
Approval of a variance is limited to particular circumstances. Nevada Revised Statutes (NRS 278.300) limits the power of the Board of Adjustment to grant variances and only under particular circumstances.

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.

Exceptional Narrowness and Shape of the Property

- The subject parcel (bottom-left) has a width of 178.91 feet (and an average width of 89.46 feet).
- WCC 110.220.55, Yard and Lot Standards, requires a minimum width of 60 feet.
- Subject parcel is triangular shaped like that of the property directly to the west (bottom-right).



Exceptional Topographic Conditions

- Property has gently sloping topography as indicated by the contour lines.



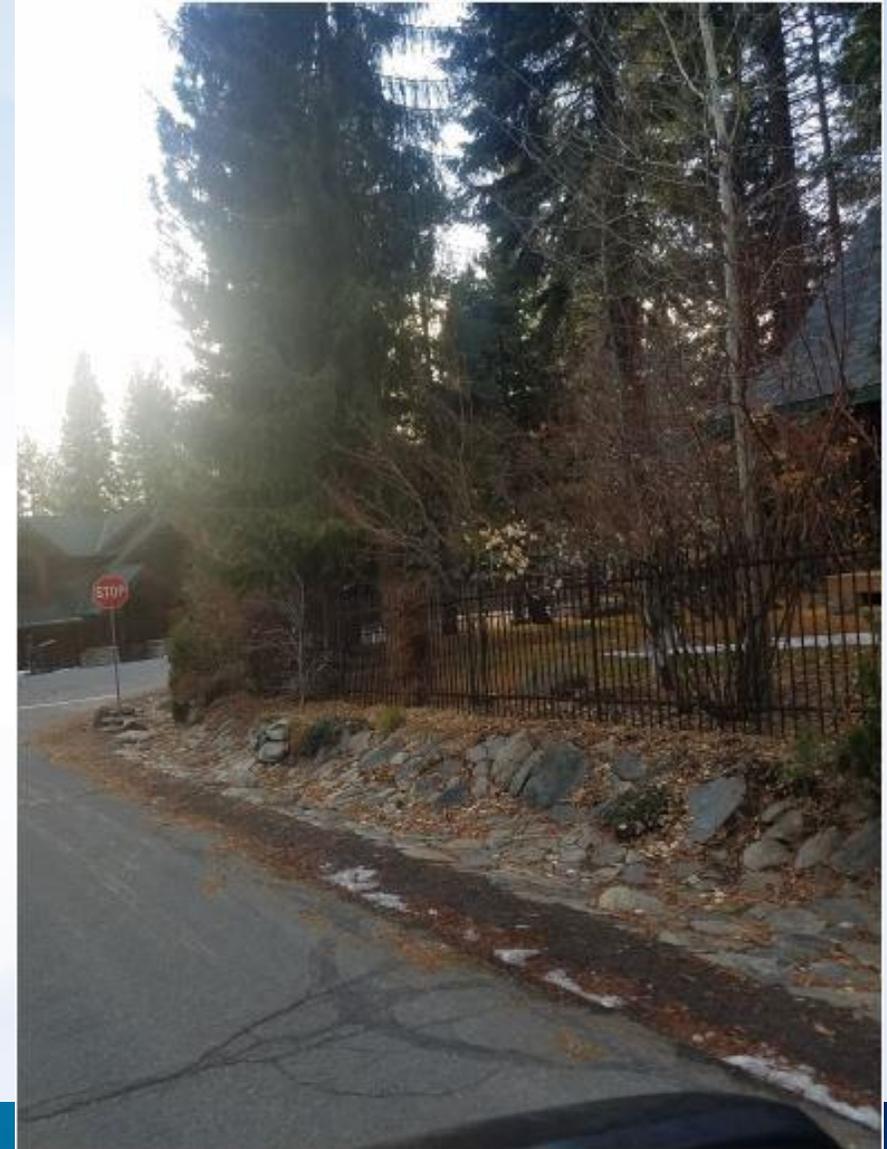
Extraordinary & Exceptional Situation or Condition

- Applicant states there's an extraordinary and exceptional situation due to:
 1. "The arc of our pie-shaped parcel is already restricted an average of 8' from the road, so the Code greatly diminishes usage and security of our property."
 2. "The other properties included in our findings have full (or nearly) use and enjoyment of the entirety of the property they pay to own."

Evaluation



- Applicant provided eight (8) examples of properties in the area that have fences.
- First example is 115 Abbey Peak Lane – granted an administrative permit in 1991 to vary the fence height.
- Existence of fences in the area do not factor into making the findings for the variance.



Reviewing Agencies



- The project application was sent to thirteen (13) agencies for review.
- Agency comments are included in Exhibit A of the staff report.

Agencies	Sent to Review	Responded	Provided Conditions	Contact
NV Water Resources	X	X		
Washoe County Building & Safety	X			
Washoe County Sewer	X			
Washoe County Traffic	X			
Washoe County Water Rights Manager (All)	X	X		
Washoe County Engineering (Land Development) (All Apps)	X	X	X	Rob Wimer, rwimer@washoecounty.gov ; Janelle Thomas, jkthomas@washoecounty.gov
Washoe County Engineering & Capital Projects Director (All)	X			
NNPH Environmental Health	X			
AT&T	X	X		
NV Energy	X			
IVGID	X	X		
North Lake Tahoe FPD	X	X	X	Ryan Sommers, rsommers@nitfpd.net ; John James,
Tahoe Regional Planning Agency	X			

Public Notice

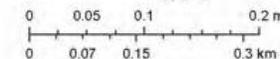


- Ninety-two (92) parcels noticed
- Four (4) public comments received – three (3) for and one (1) against



March 12, 2024

1:9,028



Staff is unable to make all 4 required findings, as detailed on page 12 in the staff report.

- 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;
- 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;
- 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;
- 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;
- 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.

Possible Motion

Staff recommends the Board of Adjustment deny Variance Case Number WPVAR24-0003 and provides the following motion as shown on page 13 of the staff report:

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 WPVAR24-0003 for Mark and Megan Marelich, having been unable to make all four (4) required findings in accordance with Washoe County Development Code Section 110.804.25. Specifically, the Board is unable to make a finding of special circumstances either due to the exceptional property dimensions or shape, extraordinary topographical features, or an extraordinary and exceptional situation specific to the property.

Thank you

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