

**250 Village Blvd. Incline Village – Variance Findings
Lot 1, Block D, Commercial Subdivision, Washoe County**

We are requesting to vary the setbacks as part of the special use permit application. The following are the required findings for a standard variance request.

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

We are requesting the front yard setback along Incline Way to be reduced from the residential required setbacks of 30 feet to 15 feet and the side setback, on the east property line, from 15 feet to 10 feet.

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?

This property is zoned TA–IVC Tahoe Incline Village Commercial Regulatory Zone. The property is currently developed with a 10,000 square-foot commercial building that was constructed in 1975. The property owner wishes to expand the use of this property and add a residential component to create a mixed-use development with the commercial as the primary use.

Section 110.220.55 Yard and Lot Standards. As indicated by the underlying zoning, this parcel is commercial and therefore has required setbacks of 10 feet on the front, sides, and rear. Incorporating a residential setback creates an exceptional circumstance on the property within the commercial core. This section is ambiguous in that it assumes that a different setback requirement will be factored for each type of use within the property.

Since the existing parcel is 35,979 ft.² (0.826ac) A residential use would require a 30-foot setback on both frontages, 15 feet on the side and 30 feet on the rear.

This is a corner parcel, fronting Village Boulevard and Incline Way. This would assume that the property has two fronts, one side and a rear setback. Currently the primary use of this property is the commercial building which fronts Village Boulevard. The proposed residential dwelling unit will be placed on the property fronting Incline Way next to the existing commercial building.

We believe that this property zoning should be recognized as commercial even with a mixed use that includes residential and therefore, we propose to maintain the existing 10 foot setbacks on all sides.

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?

This project is in the middle of the commercial core. There are currently no views that would be interrupted. We are not proposing any structures on the corner of the property in order to maximize the visual lines of site for the vehicles at that intersection. We propose to shift the existing commercial building parking lot in order to enhance the landscaping along the Village Boulevard and reestablish the pedestrian walkway. Currently the existing site along Village Boulevard is a mass of asphalt running from the street to the building with no definition of driveway, parking or opportunity for landscaping.

The proposed residential unit will maintain the pedestrian walk along the Incline Way frontage and incorporate additional landscaping.

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 property has a slight change in elevation between the Village Boulevard frontage at the commercial building and a flat parcel area on the northeast corner adjacent to Incline Way. We proposed to place the residential structure on this graded out portion so that the slight up slope that occurs across the property can be protected and enhanced with landscaping. There are four large old growth pines along Incline way that we intend to maintain.

Currently the commercial building tenants utilize the large dirt parking area for the service vehicles and trucks. The unsightly use will be eliminated with the proposed residence being placed in this location.

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

Adhering to the required setbacks under the residential requirements will make it nearly impossible to be able to provide a residential home as part of a mixed use on this property. This would require shifting the home to encompass the slope area, which would then interfere with the proposed parking area for the commercial property and potentially interfere with the visual line of site at the intersection.

All of the properties in the Incline Village Commercial Regulatory Zone that have been constructed as residential utilizing the commercial setback requirements of 10 feet on all sides. The following projects were built, utilizing the commercial zoning and setback requirements; 198 Village, 910 Southwood and most recently 915 Incline Way along with the mixed use building at 214 Village that has a combination of commercial and residential.

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.

The proposed design does not block any views and does not reduce the privacy of the neighboring properties. The requested setback reduction will not further decrease or impair the natural resource. The proposed project will enhance the overall character of the entire property while creating a small enclave for a residential home to be part of the mixed used development, reducing vehicle miles traveled.

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.

This Proposed action for the setback reduction does not create a special privilege as all of the properties in the commercial zone have been constructed under the commercial setback requirements, including those that are strictly residential.

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.

Single family is a special use in this plan area and is similar to many other properties in the area.

Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose, and mission of the military installation.

There are no known military installations in the area.

WCC Section 110.220.60 Findings

Section 110.220.60 Siting on Corner Lots and Sloped Lots.

The following standards apply to any primary building or accessory structure on a corner lot or lot with slopes meeting the thresholds established below.

1. *The front yard setback for accessory structures may be extended to the front property line on and corner lot when built no closer than sixty (60) feet from the corner, and on any interior or through lot where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade. The structure shall conform to the height and story limits provided within this section. When a primary building or accessory structure is placed within the front yard setback as described in his section, all the following shall apply:*
 - a. *The Engineering Division must be able to determine that county right-of-way maintenance and road work operations will not be impeded or sufficient measures have been incorporated in the structures design to mitigate an impediment to county right-of-way maintenance and road work operations. The county may also require that the county be held harmless from liability resulting from its right-of-way maintenance and road work operations;*

The proposed residential structure is over 102 feet from the from the corner. The proposed design will not impede county right-of-way maintenance.

- b. *The Engineering Division must be able to determine that the speed of traffic and the volume of traffic on the street is such that the placing of the garage within the front yard setback will not cause a safety problem for vehicles using the street; and*

The proposed garage will be located 15ft from the property line and 28 feet from the traveled way. The proposed drive is level and will allow vehicles to back out with clear line of sight in both directions along Incline Way.

- c. *The Engineering Division must be able to determine that the placement of the structure within the front yard setback will not impede the ability of the county to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street shown in the adopted master plan.*

The proposed structure placement will not impede ability of County to widen street.

- d. *The placement of the structure is not sited closer than fifteen (15) feet from the edge of pavement of the abutting street.*

The proposed structure is 28 feet from edge of pavement.

- e. *The maximum square footage of the portion of the structure designed to encroach on the established setback shall not exceed 25% of the size of the primary structure.*

The proposed structure encroachment into the residential setback is 11%.

- f. *Structures proposed within 20 feet of the rights-of-way of state routes 28 or 431 may only be approved pursuant to Subparagraph 36.5.4.a.2 of the TRPA Code of Ordinances.*

The proposed structure is not along rights-of-way of either 28 or 431.