

From: Steven Kroll <tahoelakefront@mac.com>
Sent: Wednesday, March 4, 2026 4:01 PM
To: Olander, Julee <JOlander@washoecounty.gov>
Subject: Marcotte Funicular Public Hearing Comments

Steven E. Kroll • Attorney at Law
Crystal Bay at Lake Tahoe, Nevada

To The Honorable Washoe County Board of Adjustment Members

March 5, 2026 Public Comments of Neighbor Steven Kroll in Vigorous Opposition to Granting any Variance from Existing Laws, and In Particular Changing the Side Yard Setback from 96 inches (8 feet) to 17 Inches

My name is Steven Kroll and I present these comments for the Public

Comments section of the Marcotte Funicular Variance Hearing on today's date. However, I am not just "an owner of property in the vicinity" invited to speak, as

the Official Notice of the Public Hearing mailed to me only a week or so ago declares. **I am the owner of 550 Gonowabie Road adjoining the Marcotte parcel at issue herein**, and thus the *only person* directly and very negatively affected emotionally and financially by the granting of this variance. I *should* be appearing before you now as a *party* to this action, able to challenge the misstatements of facts and law, and not just a faceless member of the public unconnected to the special facts of this case, as I have been treated up to now. But I have basically been ignored as a non-person, as if I were not a central party in this conflict.

On October 6, 2025 I sent a multi-page letter to your Planner with a complete chronology and extensive discussion of the facts and issues here. It is included in the Staff Report beginning page 17. **You may have skipped reading it because of a bright yellow-highlighted Staff warning at its beginning which reads: "This message is from an untrusted sender. You have not previously corresponded with this sender,"** ending with the boxed words: **"Report Suspicious"!**

In fact, I had indeed previously had very pleasant telephone and email correspondences with Planner Julee Olander, and the above-quoted introduction in a Staff Report which is open to the public is both defamatory and utterly undeserved and unacceptable! **I beg this Honorable Board to read the full contents of my letter because it contains all of the actual facts and legal concerns I wish to emphasize in today's Hearing.** Among other things, it talks about factors in the proposed funicular history over which none of us has any control, being homeowners insurance and my \$600,000 mortgage, existential threats casting a pall over everything.

Specific Instances of Applicant's Misstatements of Law and Fact

This Board should be particularly aware of the Applicant's changing the facts and rationale it puts forward to support the relief it seeks. As asserted at page 7 of the Staff Report: "Applicant is seeking approval of a variance to reduce the side-yard setback from 8 feet to 1 foot 5 inches." Page 26 of the Report shows an additional inch that the tram car extends beyond one track which they did not count in determining the setback distance. Merely to state the fact that the funicular is to be run literally inches from my property line should demonstrate the folly of this Application. How, I wonder, do the contractors actually pour the cement and handle the metal and machinery involved without trespassing on my property, which I

would not allow?

Although this Hearing is restricted to the Applicants' stated claim for relief from side yard setback rules, they now appear to have changed their rationale from the side yard to the height of the project, all without amending their Application to reflect that complete change of theory. I respectfully submit that this Hearing should be postponed to a later date to allow that amendment to be properly made and investigation commenced again on their new theory before anything else should be considered. Either that, or deny the present Application outright, allowing reapplication if they decide to pursue that losing position before this body at another time.

As to the merits of this switched rationale, Applicant actually admits that here too, the act of raising the elevation of train track would violate the law without a variance for about 10 feet of the total track where it rises above the minimum grade. This theory requires a new application for variance and therefore a postponement of these proceedings.

Perhaps the most laughable part of Applicant's petition to change the rules here is the contention that the steepness of the Marcotte property is a "special circumstance due to exceptional topography", and therefore the Variance should be granted. The fact of the matter is that funicular trains are specifically used for extremely steep properties and the Marcotte land is not shown to be any different. The dictionary defines the meaning of "funiculars" to be "a type of cable railway system that connects points along a railway track laid on a steep slope". Adopting Applicant's contention that the tramway here is different from any other tramway in existence would allow people to claim that building a funicular is *ipso facto* evidence of special circumstances qualifying them to escape the regulations the government has imposed.

Conclusion

The Staff Planner here has obviously worked long and hard on this case and I salute her dedication. But her investigation was limited by time and handling other cases, and it appears she accepted her witnesses' word without pressing the matter, and therefore I am sad to say I disagree with her conclusions that the Variance sought ought to be granted. Page 27 of her Report says that "Without the variance the owners will be denied safe access to their shoreline", that "the existing stepped path to the shoreline is rugged, unsafe and impractical for regular use", that "the owners are aging with permanent disabilities", and other alleged factual conclusions that have no evidence introduced to back them up should not be used to come to the conclusion that they support granting the Application.

I have much more I need to say which I hope I can cover in my 3-minutes of time, but I have to get this in to Ms Olander before 4:00 PM so she can get the material to you. I must conclude at this point with my plea that you see the defects in the Marcotte Funicular Variance Application and postpone or deny the approval being recommended by well-meaning but ill-informed Staff here. Thank you for your understanding.

Sincerely, s/ Steven Kröll

From: Steven Kroll <tahoelakefront@mac.com>

Sent: Tuesday, March 3, 2026 4:19 PM

To: Olander, Julee <JOlander@washoecounty.gov>

Subject: Re: Marcotte Funicular Variance Opposition; Case# WPVAR 25-0006

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

[Report Suspicious](#) ⓘ

Steven E. Kroll • Attorney at Law
Crystal Bay at Lake Tahoe, Nevada

Dear Ms Olander:

I have taken additional photos of my neighbor Dave Marcotte's application for a variance in the existing law to allow his building of a tram from the front of his property on Gonowabie Road to the Lake below. Unfortunately I'm having problems getting these photos finalized and will have to send them to you tomorrow morning. I have opposed starting the tram

at the road because that would invade the visible and audible privacy I have enjoyed in the 45 years I have lived here alone with my dogs, and would significantly reduce the financial value of my home, which I am in the process of selling to raise the money needed to build a pier which Mr. Marcotte and I jointly won with the TRPA Lottery.

I would have no objection to his tram if its boarding point started a little further down the slope which could be accessed by Mr. Marcotte and his guests much more logically and conveniently without even leaving the covered protection of his house, but he has rejected my efforts of compromise. You told me in our lengthy conversation just now that Mr. Marcotte said it would be inconvenient to have to enter the tram at that point, and you apparently accepted that contention without asking any further questions. The truth is that there are actually two separate doorways from Mr. Marcotte's home leading down his complex of wood and metal stairways all under roof to the tram's suggested new entry point, allowing him and his guests to board the tram without leaving the protection of his house, unlike his present proposal.

I'm afraid I'm running out of time before you leave for the day, but I'll get you the photos proving what I am saying tomorrow morning (I hope). I'll also prepare a short written statement to supplement my 3-minute allowed verbal testimony at the Public Hearing in 2 days, and hope you will transmit it and the photos to the Board of Adjustment as part of their consideration.

Thank you for your patience and assistance in this very serious matter. Steven Kroll





On Mar 3, 2026, at 12:20 PM, Olander, Julee <JOlander@washoecounty.gov> wrote:

Steve,

Just called you and wanted to let you know that the County is having internet issues and that is the reason you weren't able to hear me. Will try to call you later.

Regards,

<image001.png> | **Julee Olander, Planner**

jolander@washoecounty.gov | Direct Line: 775.328.3627

My working hours: Monday-Friday 8:00am to 4:30pm

Visit us first online: www.washoecounty.gov/csd

Planning Division: 775.328.6100 | Planning@washoecounty.gov

CSD Office Hours: Monday-Friday 8:00am to 4:00pm

1001 East Ninth Street, Reno, NV 89512

Have some kudos to share about a Community Services Department employee or experience?

Submit a nomination for a Washoe Star by clicking this link: [WASHOE STAR](#)

From: Steven Kroll <tahoelakefront@mac.com>

Sent: Monday, October 6, 2025 8:35 PM

To: Olander, Julee <JOlander@washoecounty.gov>

Subject: Marcotte Funicular Variance Opposition; Case# WPVAR 25-0006

Steven E. Kroll
Crystal Bay at Lake Tahoe, Nevada

Dear Julee Olander:

Thank you for returning my call of September 29th seeking the date of the public hearing in the above-referenced application by David Marcotte, my next-door neighbor at 552 Gonowabie Road in Crystal Bay. He has petitioned for a variance to Washoe County's side yard setback requirements in order to build a funicular tram beside his home down to Lake Tahoe which I vigorously oppose in its present form.

I also appreciate your exploration of whether some compromise in that application is possible in order to save the Commissioners' valuable time in hearing the case, which you informed me will now take place in January of the new year. **Since I don't oppose the construction of the tram itself, but only its entry point so close to the main bedroom on the upper level of my 3-story home, a compromise is indeed possible by placing its entrance further down the slope. My objection as written allows riders of the tram to look into the windows of that bedroom invading the privacy and tranquility of a house I have lived in full-time for the past 44 years. As it happens, moving the proposed entrance to the tram at a lower point in its tracks is both aesthetically and pragmatically more logical, as I will more fully address at the end of this letter.**

**WPVAR25-0006
PUBLIC COMMENT**

You have asked me to expand on my objections in writing, and I respectfully do so here in hopes that you, as Washoe County Planner, will recommend a rejection of Mr. Marcotte's present application.

As a single man approaching 86 years old, I have lived alone with my dogs full time in what has been the house of my dreams for the past 45 years. Mr. Marcotte owns a number of other properties and has a permanent residence address in California, visiting this home periodically. Because of recent serious financial pressures and little income at this point in my existence, I have been forced to offer my beloved and very valuable home for sale to raise needed cash. This offer is being made with what is called a "Life Estate" contingency, allowing for a potentially years-long payment schedule and guaranteeing my right to continue living here as an owner until I die, when actual title to the property passes to the buyer. If Mr. Marcotte is allowed to construct machinery that brings noise and visibility intrusion into the windows of my house and the privacy of the occupants therein, it would result in a significant monetary devaluation of my property and an obstacle making that sale much more difficult if not impossible to achieve. It would be tragically unfair for the County to allow that to happen.

Mr. Marcotte has suggested planting foliage which would block the visibility (but not the noise) of riders of the tram, but as detailed hereafter, events having nothing to do with the variance application make that suggestion an impossibility, even if it had any merit in the first place. Forgive the length of the explanation which follows, but it is necessary to understand why denying Mr. Marcotte's application for a variance is so imperative.

A couple of years ago, the American Family Insurance Company which had been covering my home policy for more than 20 years with not a single claim suddenly and outrageously declined to renew that policy (among many others in our area) for alleged wildfire threats. Without home insurance, my mortgage holder would call due the considerable amount still owed which I did not have, and a foreclosure would take place, ruining my dreams of joining my ashes with those of my animals and the soil itself when I die. That created in me an overpowering fear which was exacerbated when I applied to State Farm to replace that coverage and they refused unless I cut down trees and removed the privacy foliage around my house that I had enjoyed for decades. I had no alternative but to do that, and it cost me more than \$7,000, cutting and denuding the trees and foliage largely in the area we are talking about with Mr. Marcotte's proposed tram. My mortgage is still there as is the demand that all trees and foliage be cut back from the house. I will not rock the boat by asking State Farm if the building of this tram in that area would also operate negatively on my insurance coverage, but my suspicion is that it would and I cannot take such a fatal chance.

Following are photos of the precious trees I had to cut, and the resulting nakedness

that a tram at that point would expose.

<image002.jpg> <image003.jpg> <image004.jpg>

The trees that had to be cut and their occupants. Note the proximity to Marcotte home pillars. Bottom foto after the cuts.

Only by paying off that mortgage, which still exists, will the requirement for home insurance and the ever-present possibility of foreclosure be removed. That is why the hoped for sale of my house is so critical, and why my opposition to building a tram at this particular point is an existential threat that, in fairness and equity, must not be approved by Washoe County.

As mentioned earlier in this letter, however, there exists an alternative location that is actually more logical and aesthetically pleasing than what has been challenged herein that I do not oppose. It would allow Mr. Marcotte and his guests to board his tram directly, literally without leaving his house. That is at the point where a door from the lower end of his house opens to connect with a wooden stairway to the outside, and which ends at the point where the proposed alternative loading point of the tram begins. Guests would literally step from the bottom of those stairs onto the tram effectively without leaving their residence! And on the way back, they would exit the tram to climb the wooden stairs directly back into the house keeping warm and dry the whole time. At a suggestion from you as Planner for an acceptable compromise, assuming Mr. Marcotte complies with any other criteria governing this construction, this should be, and should have been, the most attractive and least expensive plan in the first instance, and would allow the Commissioners to move on to more important and less time-consuming matters coming before them in January.

Thank you for your help and understanding in connection with my opposition to this variance petition, and good luck in any effort you make to force a compromise that is satisfactory to both adjoining property owners. Please let me know if there is any other information I can supply, and of course please advise of any changes in the date and content for the public hearing in the matter.

Very truly yours,

Steven E. Kroll at 550 Gonowabie Rd., P.O. Box 8, Crystal Bay NV 89402

<image005.jpg>

[Start the tram entry here](#)