WASHOE COUNTY

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Clerk____
Comptroller____

STAFF REPORT
BOARD MEETING DATE: December 8, 2015

DATE: November 16, 2015

TO: Board of County Commissioners

FROM: Roger D. Pelham, MPA, Senior Planner, Planning and Development
Community Services Department, 328-3622, rpelham@washoecounty.us

THROUGH: William H. Whitney, Division Director, Planning and Development
Community Services Department, 328-3617, bwhitney@washoecounty.us

SUBJECT: Hearing, discussion, and possible action on Appeal Case No. AX15-004 (William Van Leuven), an appeal of the Board of Adjustment's decision to deny Variance Case No. VA15-009, which requested a reduction of the required side yard setback from 50 feet to 15 feet to facilitate the construction of a garage. The property is located at 25 Aguilar Court, at the southwest corner of Aguilar Court and Valle De Sol Boulevard and within the Spanish Springs Area Plan. The Assessor's Parcel Number is 076-381-28. The property is located within Section 30, Township 21 North, Range 21 East, MDM. The Board of County Commissioners may take action to confirm the Board of Adjustment's denial; reverse the Board of Adjustment's denial and issue the Variance with Conditions of Approval; remand the matter back to the board of adjustment for further proceedings; or modify the Variance's Conditions and issue the Variance. (Commission District 4.)

SUMMARY

Confirmation, reversal or modification, of the Board of Adjustment's denial of Variance Case No. VA15-009, requesting to reduce the required side yard setback from 50 feet to 15 feet for the construction of a garage addition on the existing house.

Washoe County Strategic Objective supported by this item: Safe, secure, and healthy communities.

PREVIOUS ACTION

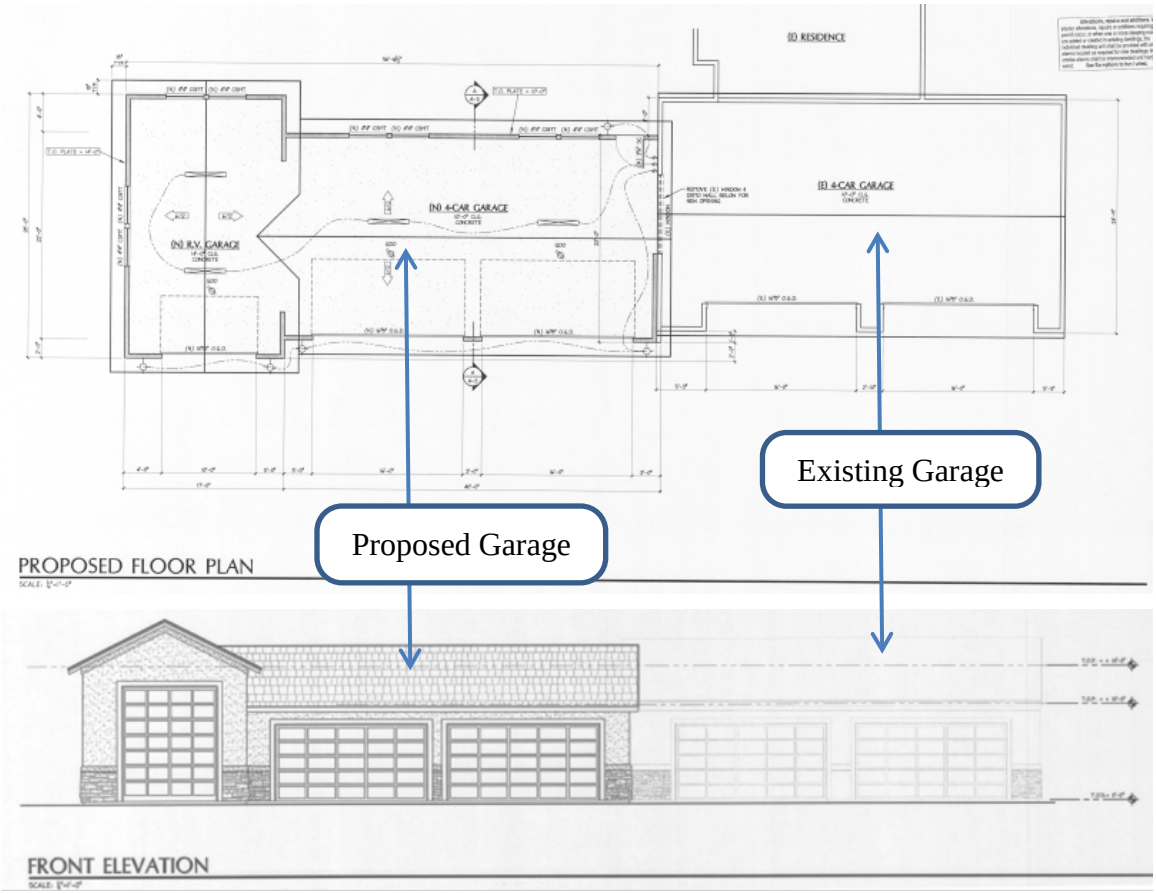
October 1, 2015 Board of Adjustment. After conducting a public hearing, taking public testimony and discussing the proposed variance, the Board of Adjustment denied variance VA15-009.

September 9, 2015, Spanish Springs Citizen Advisory Board (CAB). The CAB voted 4 in favor with one abstention to recommend approval of the variance as no other property owners attended to voice opposition.

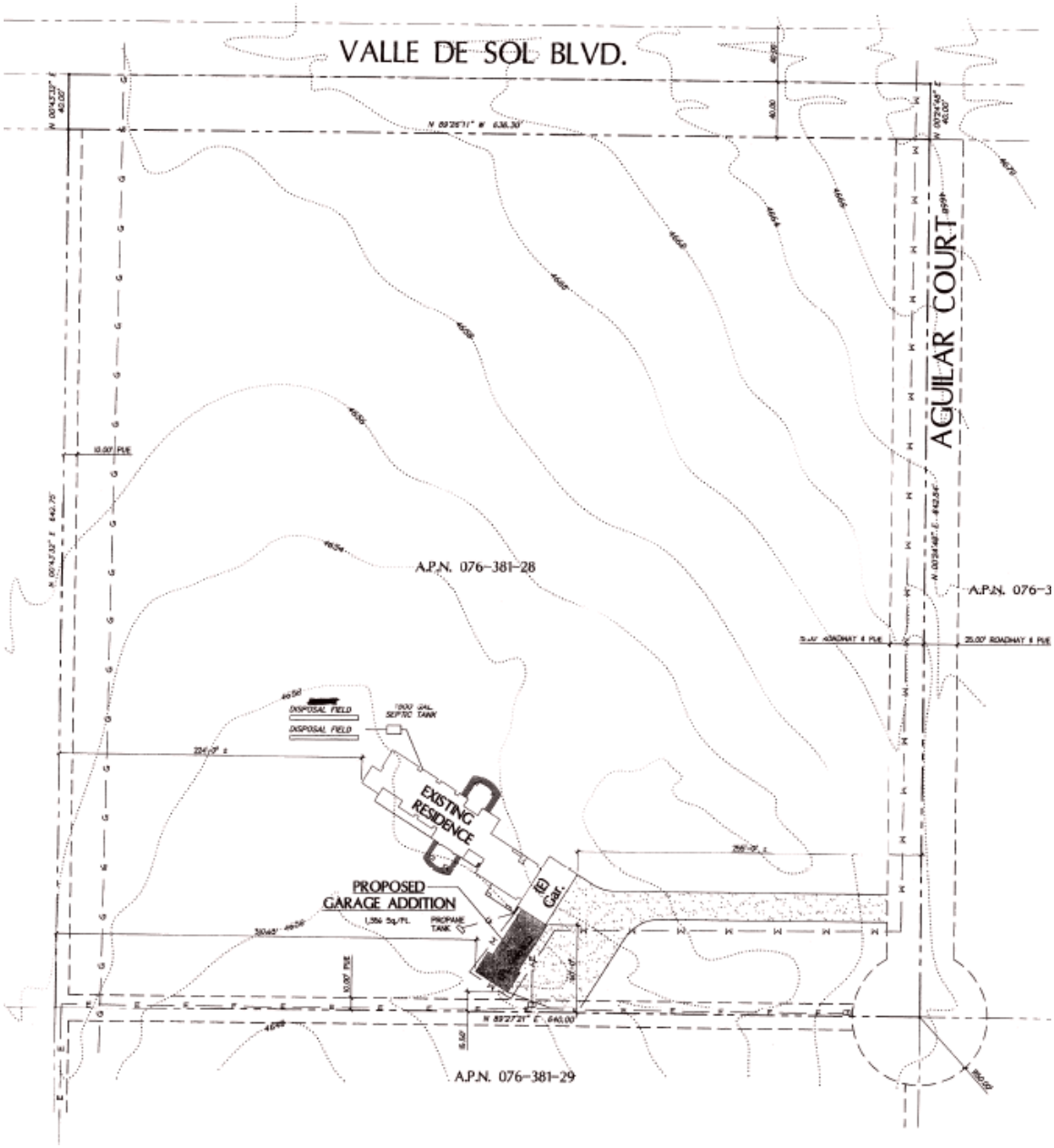
AGENDA ITEM # _____

BACKGROUND

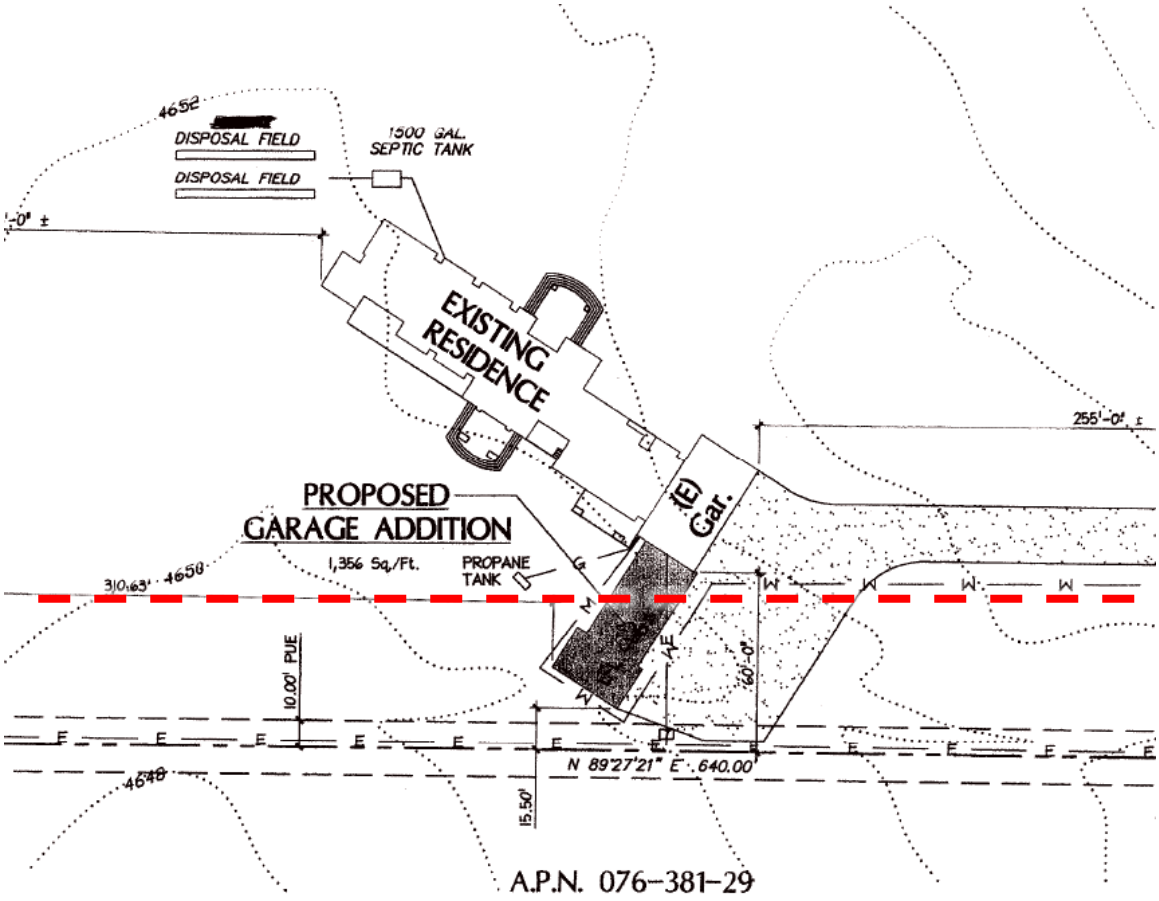
Mr. Van Leuven owns a home at 25 Aguilar Court, in the Spanish Springs area. On May 29, 2015 Mr. Van Leuven applied for a building permit to construct a garage addition of approximately 1,356 square feet consisting of a four-car garage with an additional Recreational Vehicle garage, to be constructed to the south of the existing four-car garage. That permit was denied due to proposed encroachment of 35 feet into the required 50-foot side-yard building setback for the General Rural regulatory zone. The proposed floor plan and proposed building elevations from that submittal are shown below.



The overall site plan, as proposed by the applicant, is shown on the next page.



A detail of the proposed site plan follows, with the approximate location of the required side yard setback of 50 feet, shown in red.



VARIANCE STANDARDS

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.

NRS 278.300 (1) (c) limits the power of the Board of Adjustment to grant variances only under the following circumstances:

> Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, the Board of Adjustment has the power to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without

substantially impairing the intent and purpose of any ordinance or resolution.

The statute is jurisdictional in that if the circumstances are not as described above, the Board of Adjustment does not have the power to grant a variance from the strict application of a regulation. Along that line, under Washoe County Code Section 110.804.25, the Board of Adjustment must make five findings which are discussed below.

If the Board of Adjustment grants an approval of the Variance, that approval may be 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 Board of Adjustment denied the variance request, therefore there are no Conditions of Approval attached (see the Action Order at Attachment C). Mr. Van Leuven subsequently appealed the Board of Adjustment's denial (see the Appeal Application at Attachment D). Should the Board of County Commissioners make all five required findings and approve the requested variance, staff will be prepared to provide recommended Conditions of Approval at the public hearing.

In hearing this appeal, the Board of County Commissioners should reach a decision based on substantial evidence. Substantial evidence has been defined to mean the amount of evidence which a reasonable mind would accept as adequate to support a conclusion. This determination should be made with reference to specific facts in the record that support whatever decision the Board makes.

VARIANCE EVALUATION

At the hearing before the Board of Adjustment the applicant indicated that due to occasional stormwater run-off there is no other location on the subject parcel that a garage can be practically located, thus creating a special circumstance.

Most of the discussion by the Board of Adjustment centered around the occasional stormwater run-off on the subject parcel. The Board found that the occasional stormwater run-off, even if occasionally heavy, does not create a hardship that forces the garage to be located within the setback, as other practical options for location of the garage outside of the required setbacks exist. Evaluation of the required findings of fact follow:

1. 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: As detailed in the staff report to the Board of Adjustment (see Attachment A), there are no special circumstances applicable to the subject property, and there are ample alternatives for construction of a garage on the subject site, within the required building setbacks.

2. 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: As there are no special circumstances applicable to the property, approval of the requested variance has the potential to impair the intent and purpose of the Development Code which includes, "Section 110.406.25 Unobstructed Yards. Any yard required by the Development Code shall be open and unobstructed from the ground to the sky ..."

3. 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: As 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 portion of a dwelling to be constructed within the required side yard setback, which is inconsistent with the limitations upon surrounding property owners.

4. 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: Approval of the variance would not authorize a use that is otherwise not allowed.

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

Staff Comment: There is no military installation in the vicinity of the subject site.

The Board of Adjustment found that there are no special circumstances that rise to the level of a hardship and voted to deny the variance. The vote was 3 to 2 to deny the request. The draft minutes from that meeting are attached to this report (see Attachment B).

FISCAL IMPACT

None.

RECOMMENDATION

It is recommended that the Board of County Commissioners confirm the Board of Adjustment's decision to deny Variance Case No. VA15-009.

MOTION

Should the Board of County Commissioners agree with the Board of Adjustment's action to deny Variance VA15-009, staff offers the following motion:

> "Move to confirm the Board of Adjustment's decision to deny Variance Case No. VA15-009, which requested a reduction of the required side yard setback from 50 feet to 15 feet to facilitate the construction of a garage. This denial is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation of the five findings made by the Board of Adjustment."

OTHER POSSIBLE MOTIONS

Should the Board not agree with Board of Adjustment's denial of VA15-009, staff offers the following possible motions:

1. **Possible Motion to REVERSE the Board of Adjustment's denial of the Variance**.

   "Move to reverse the Board of Adjustment's denial and approve Variance Case Number VA15-009, subject to the conditions stated in Attachment E of the staff report, based on the applicant's proposal to reduce the required 50 foot side yard setback to 15 feet to facilitate the construction of a garage. This reversal is based on this Board's review of the written materials and oral testimony at the public hearing, and this Board's interpretation that all four required findings can be made in accordance with Washoe County Development Code Section 110.804.25."

2. **Possible Motion to MODIFY the Variance.**

   "Move to approve Variance Case Number VA15-009, subject to the conditions stated in Attachment E, with modifications, based on this Board's review of the written materials and oral testimony at the public hearing and this Board's interpretation of the findings required to be made for such approval. (Please state the proposed modifications that are being recommended).

3. **Possible Motion to REMAND the Variance.**

   "Move to remand Variance Case No. VA15-009 for further proceedings consistent with the hearing on the appeal before the Board of County Commissioners."

Attachments:

A. Staff Report to Board of Adjustment, dated 9/10/2015
B. Board of Adjustment Draft Minutes of 10/1/2015
C. Board of Adjustment Action Order, dated 10/5/2015
D. Appeal Application, dated 10/14/ 2015
E. Possible Conditions of Approval

xc. Property Owner: William Van Leuven 25 Aguilar Ct, Sparks, NV 89441

Representatives: Nortech Civil Consultants, attn.: Nicholas Vestbie, 300 Western Road, Reno, NV 89506

Attachment A

Board of Adjustment Staff Report

Meeting Date: October 1, 2015

Subject:	Variance Case Number: VA15-009
Applicant:	William Van Leuven
Agenda Item Number:	**9D**
Project Summary:	Reduce the side yard setback from fifty (50) feet to fifteen (15) feet to facilitate the construction of a garage
Recommendation:	**Denial**
Prepared by:	Roger Pelham, MPA, Senior Planner Washoe County Community Services Department Division of Planning and Development
Phone:	775.328.3622
E-Mail:	rpelham@washoecounty.us

Description

Variance Case Number VA15-009 (William Van Leuven Garage) – Hearing, discussion, and possible action to approve a variance reducing the side yard setback from fifty (50) feet to fifteen (15) feet to facilitate the construction of a garage.

- Applicant/Property Owner: William Van Leuven
25 Aguliar Court
Sparks, NV 89441
- Location: southwest corner of Aguilar Court and Valle De Sol Boulevard in Spanish Springs
- Assessor's Parcel Number: 076-381-28
- Parcel Size: ± 9.4 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 804, Variances
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 30, T21N, R21E, MDM, Washoe County, NV

Staff Report Contents

Exhibits Contents

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.

NRS 278.300 (1) (c) limits the power of the Board of Adjustment to grant variances only under the following circumstances:

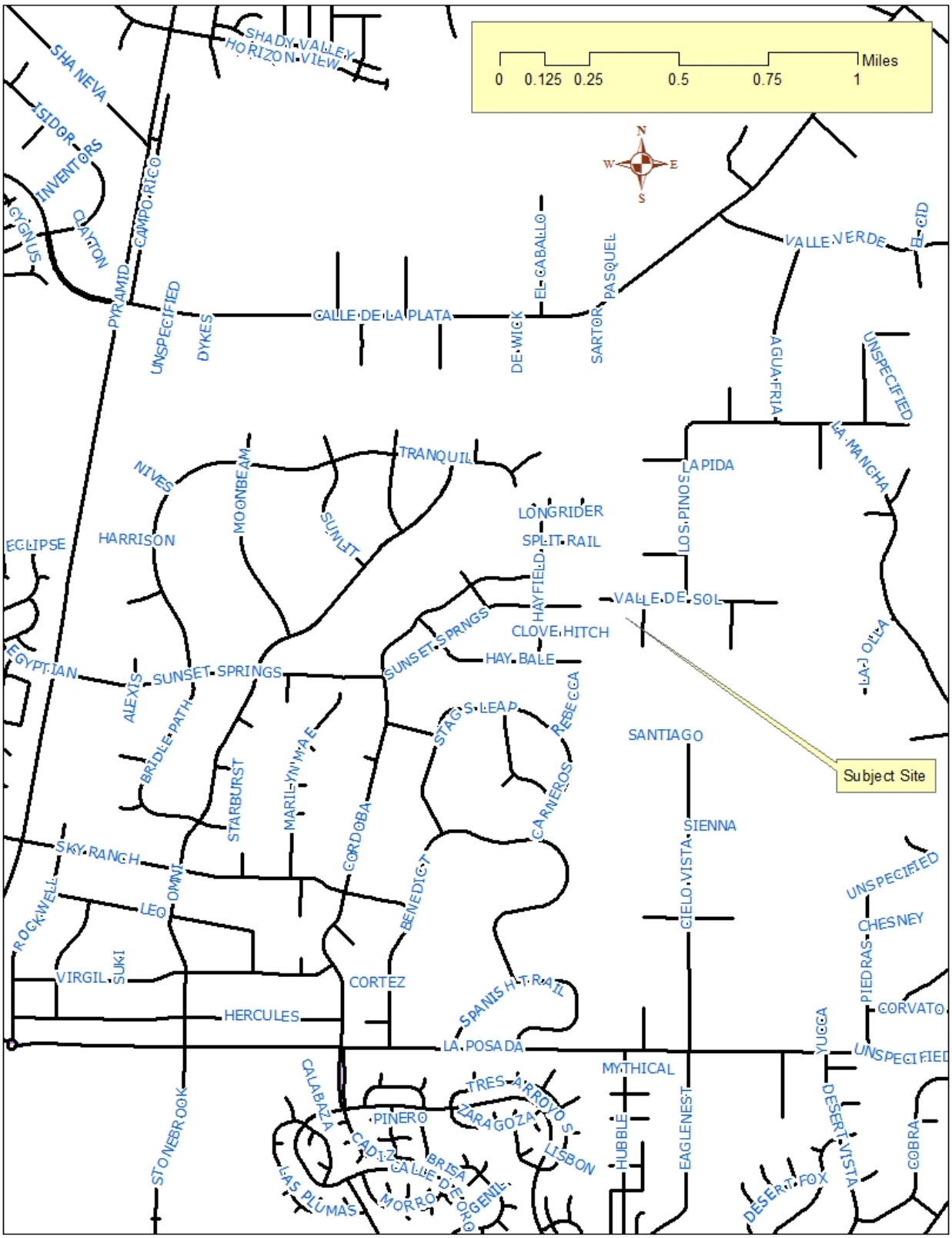
> Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, the Board of Adjustment has the power to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution.

The statute is jurisdictional in that if the circumstances are not as described above, the Board does not have the power to grant a variance from the strict application of a regulation. Along that line, under Washoe County Code Section 110.804.25, the Board must make four findings which are discussed below.

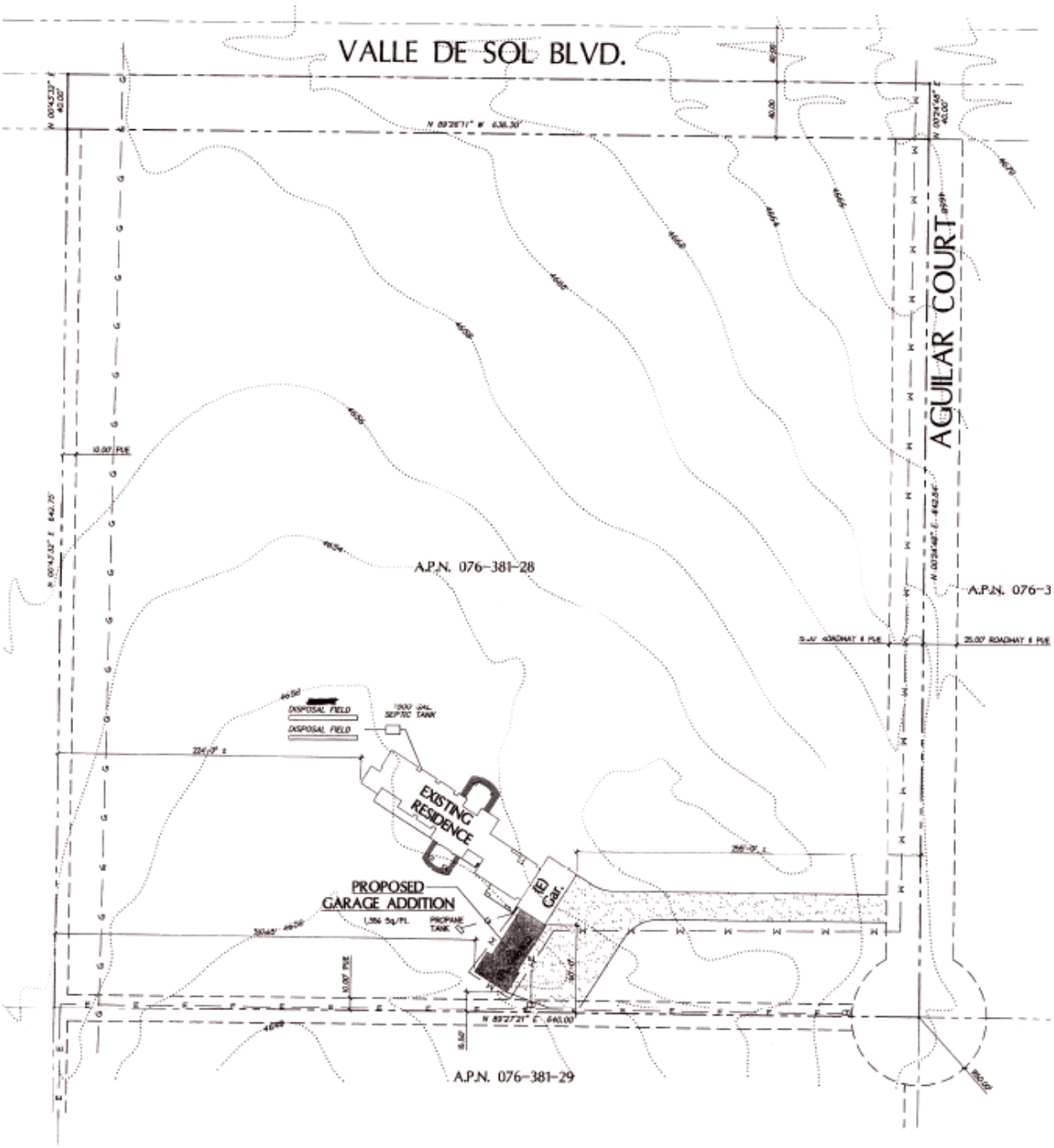
If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- 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.

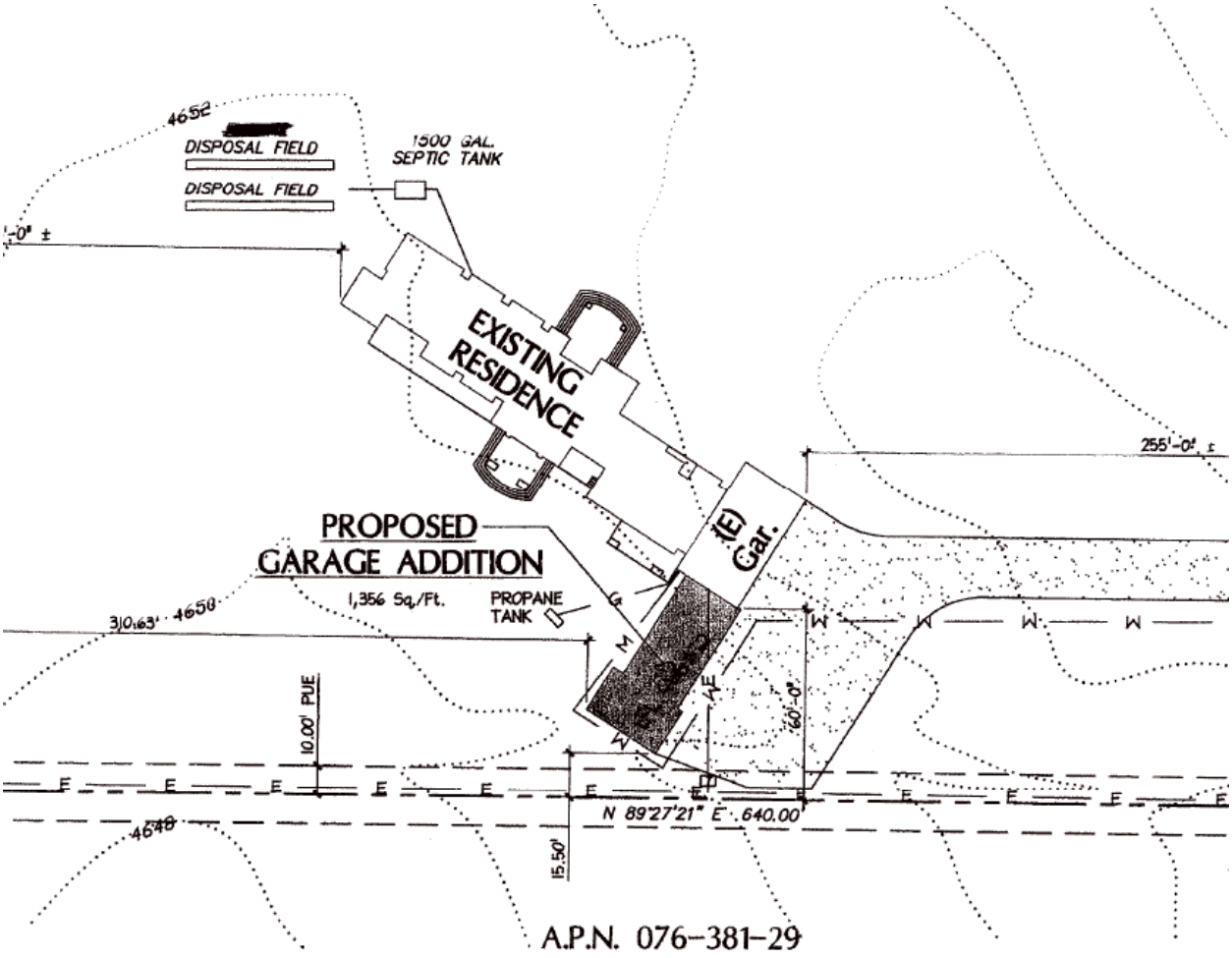
Since a recommendation of denial has been made, in this case, there are no Conditions of Approval attached. Should the Board find that special circumstances exist and approve the requested variance, staff will provide Conditions of Approval at the public hearing.



Vicinity Map



Proposed Site Plan



Detail of Proposed Site Plan

Project Evaluation

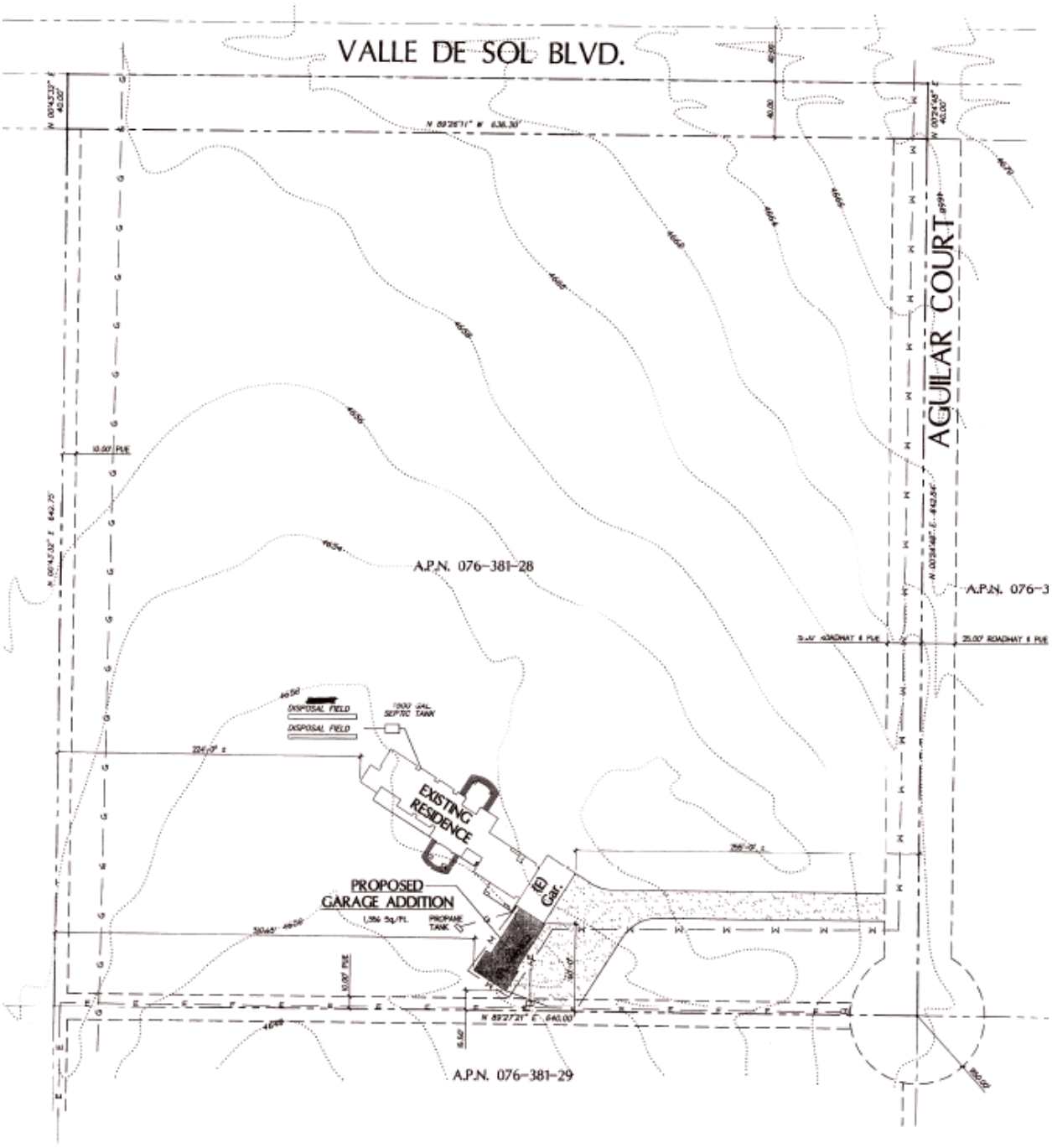
In late May of this year the applicant submitted a building permit application for a garage addition to an existing dwelling. That building permit application showed a side yard setback of approximately 15 feet. The subject site is located within the General Rural (GR) zone which has a required side yard setback of 50 feet. The applicant then submitted for a variance to allow the construction of the garage addition as it was submitted for the building permit.

For a variance to be approved, the Board of Adjustment must find that "Special Circumstances" exist on the parcel that result in exceptional and undue hardships upon the owner of the property. If it is determined that "Special Circumstances" resulting in exceptional and undue hardships do exist on the parcel, then several other findings of fact must also be determined. Those findings of fact are derived from Nevada Revised Statutes as follows:

> *NRS 278.300(1)(c) Where by reason of **exceptional narrowness, shallowness, or shape of a specific piece of property** at the time of the enactment of the regulation, or by reason of **exceptional topographic conditions or other extraordinary and exceptional situation or condition** of the piece of property, the strict application of any regulation enacted under NRS 278.010 to 278.630, inclusive, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, to authorize a variance from that strict application so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution. [emphasis added]*

"Special Circumstances" applicable to the property are limited by Code to the following:

Exceptional narrowness, shallowness or shape of the specific piece of property: As can be seen in the following site plan the subject parcel is essentially square, approximately 640 feet on each side. The parcel is not exceptionally narrow, shallow or exceptionally shaped.

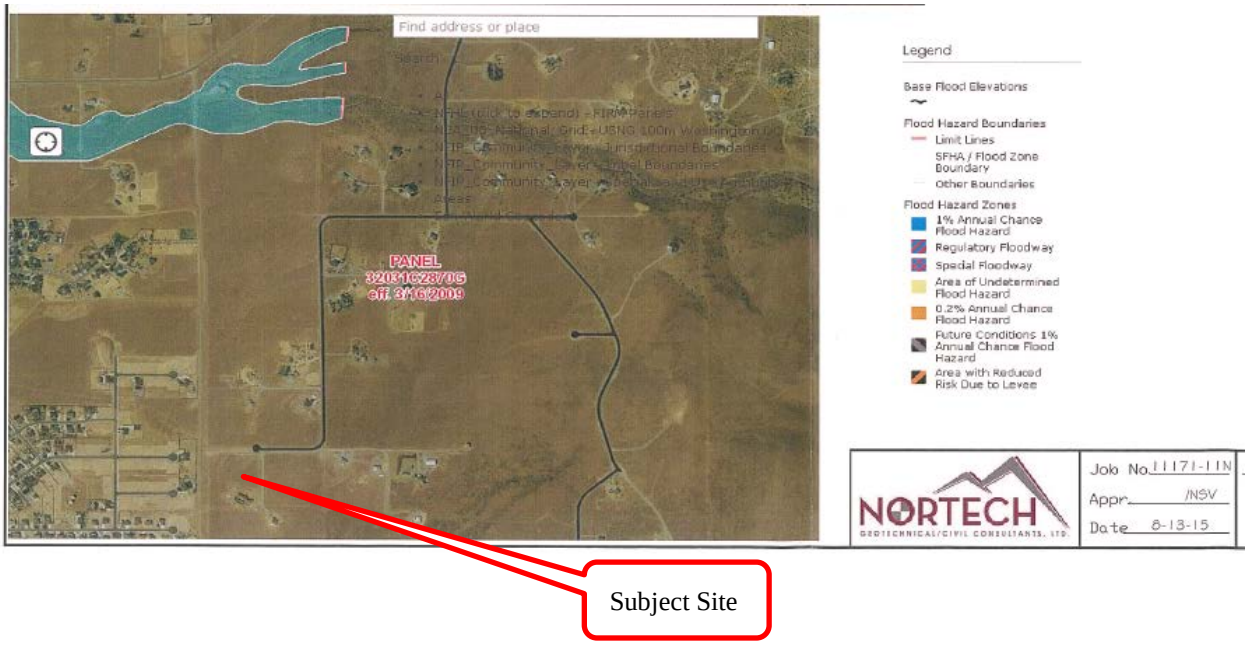


By reason of exceptional topographic conditions: The topography is a gradual and consistent rise from the southwest corner to the northeast corner with a change in elevation of approximately 18 feet over a distance of approximately 900 feet, resulting in an average slope of approximately 2%. There are no exceptional topographic conditions on the subject parcel. The applicant notes that the combination of the location of the dwelling, the slope of the land, and occasional heavy rainfall combine to create occasional heavy sheet-flow of runoff water.

Other extraordinary and exceptional situation or condition of the property and/or location of surroundings: The applicant contends that the parcel is subject to occasional flooding which creates such a situation. Like all property in Washoe County, the subject parcel is subject to

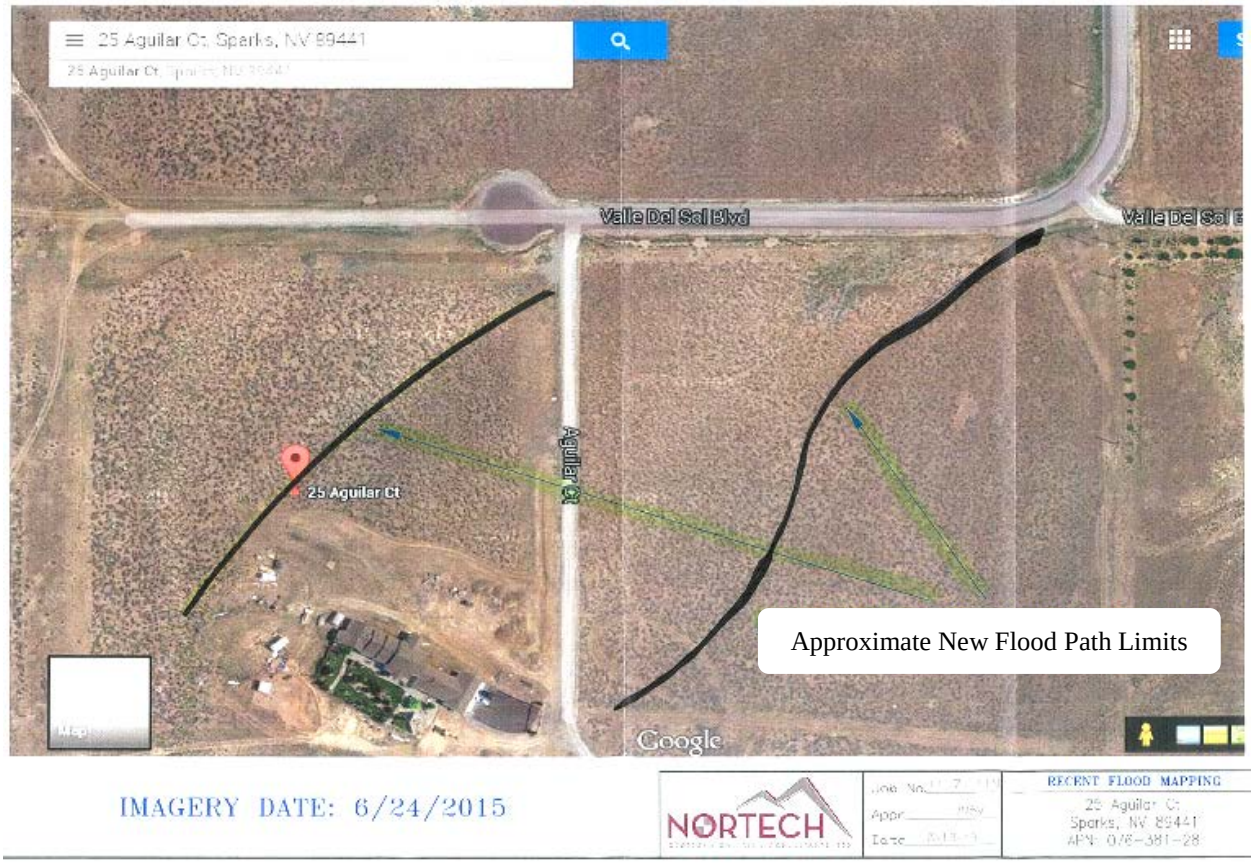
locally heavy rainfall during thunderstorms and other rain events. This is neither extraordinary nor exceptional.

The parcel is not within the "1% Annual Chance Flood Hazard" as shown on the graphic below, provided in the project application. The flood hazard area, sometimes known as the "100 year flood zone" is shown in blue on the following graphic, in the upper left portion of the graphic. The subject parcel is indicated by the red call-out and is located in the lower left portion of the graphic.



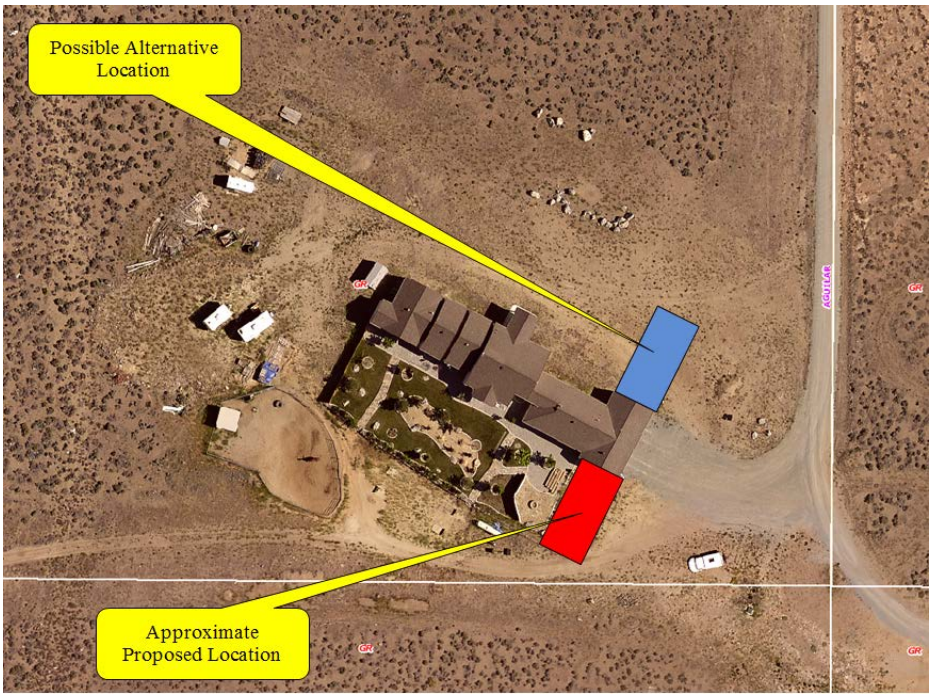
According to the variance application, "the subject property is in Zone X, a zone of the 0.2% annual chance flood hazard (500 year flood zone). This is a zone of flooding with a return period as 500 years. However, the owners are supplying pictures of the flood conditions that occurred and inundated their property about 3 years ago."

The applicant contends that there is no practical location on the parcel for construction of additional garage space other than connected to the southeast end of the existing dwelling and extending further south into the side yard setback, as shown on the project proposed plans, due to the dwelling being located within the "approximate new flood path limits" as shown on the following graphic provided by the applicant. While there is no definition under the Development Code for "flood path limits," staff recognizes that occasional heavy rainfall may create run-off in this area.

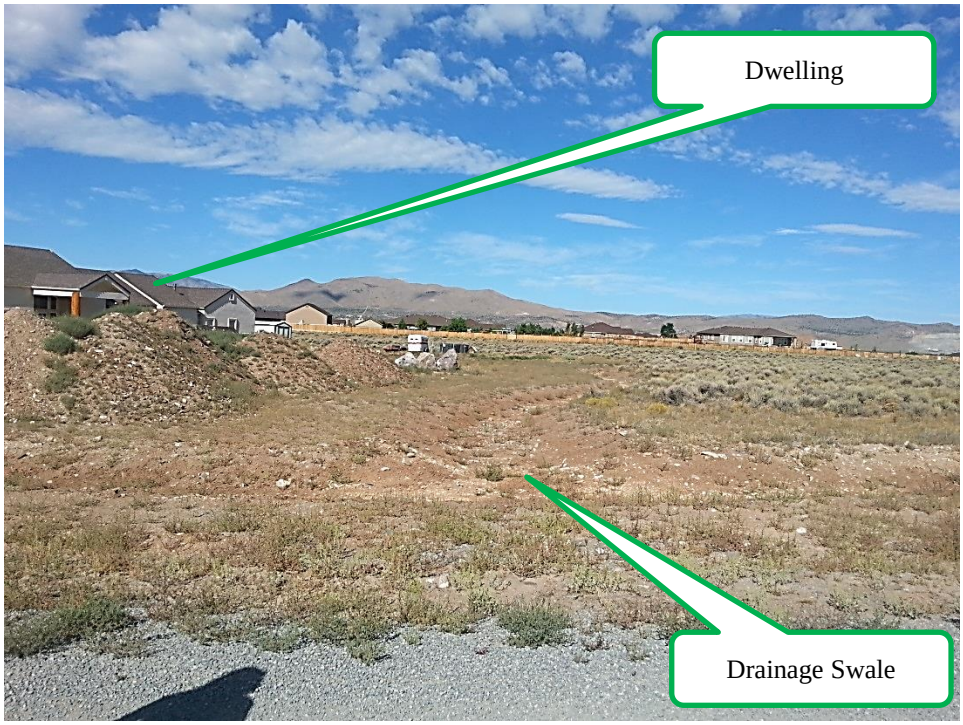


There are, however, many options available to the applicant, for construction of an attached or detached garage, without violating the required building setbacks for the parcel. The following is a sample of the options that might be designed for this parcel:

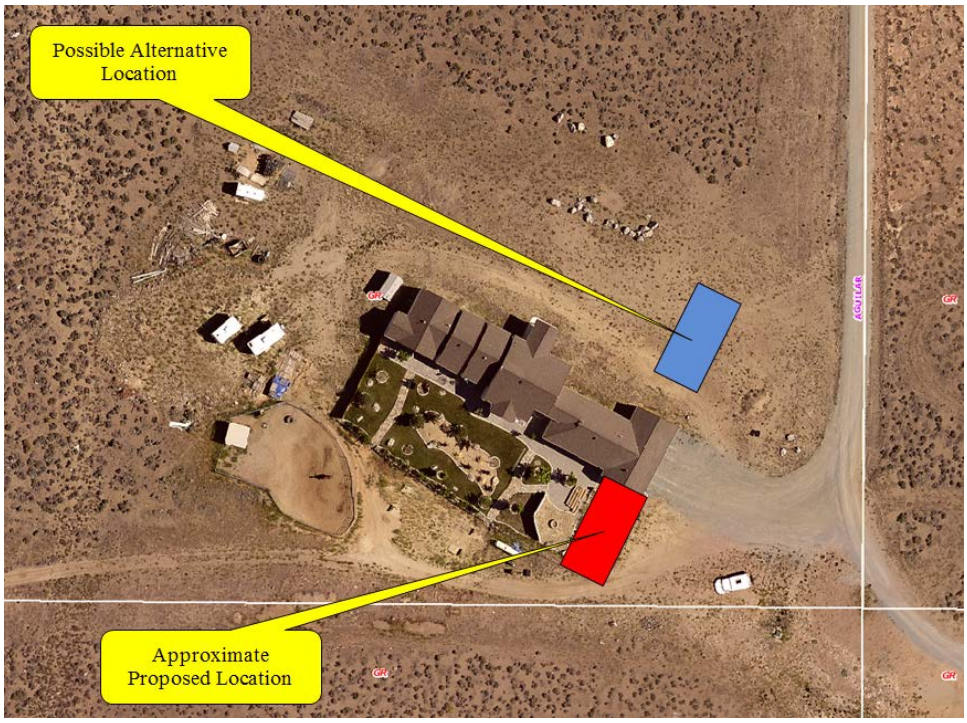
One alternative might be to construct a drainage swale or berm to redirect storm flow away from the dwelling and any additional garage space that may be constructed on the north side of the dwelling as approximately shown below;



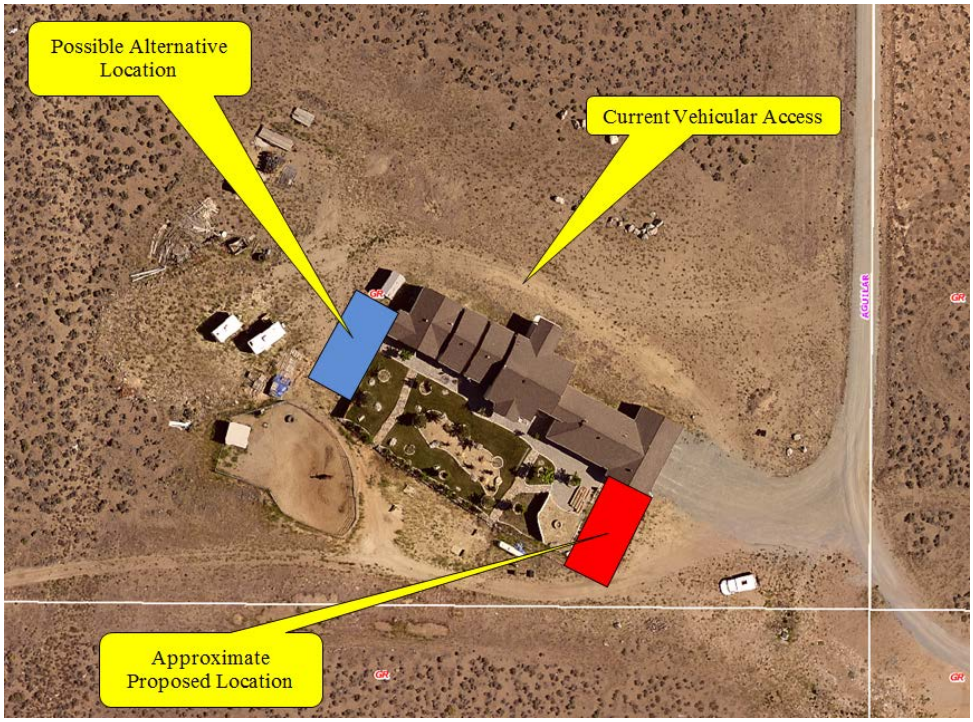
Upon inspection of the site Staff noticed that a channel has already been created, which may divert some of the intermittent run-off, during a storm event, away from the dwelling. That channel is shown in the following photo.



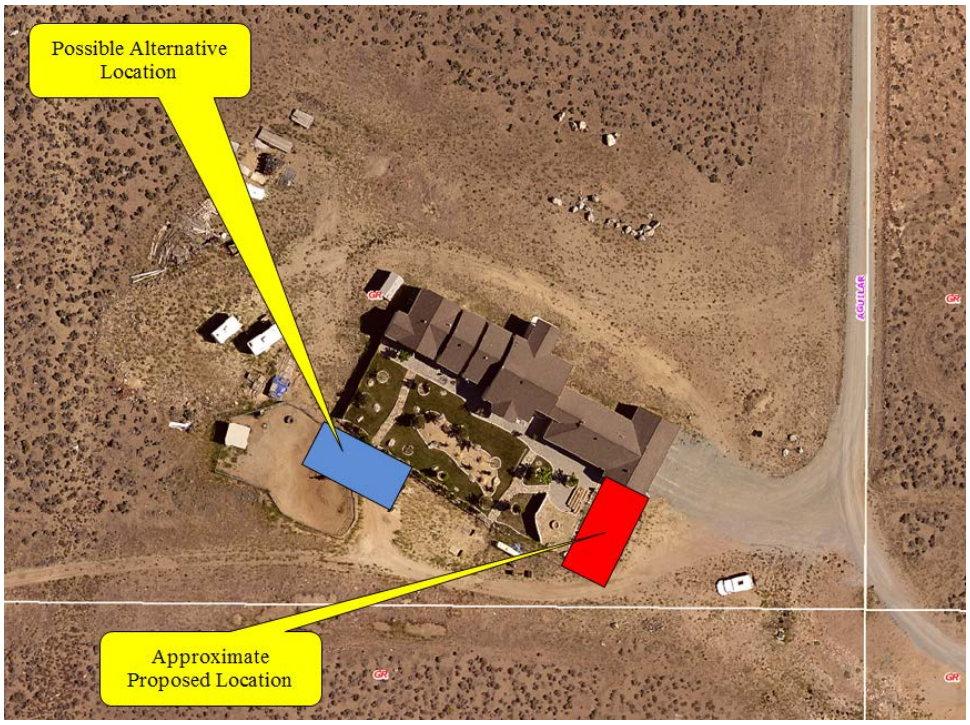
A related alternative would be to construct additional garage space to the north of the existing dwelling but simply detach the garage from the dwelling such that any occasional storm flow is not captured to the north of the dwelling as approximately shown below.



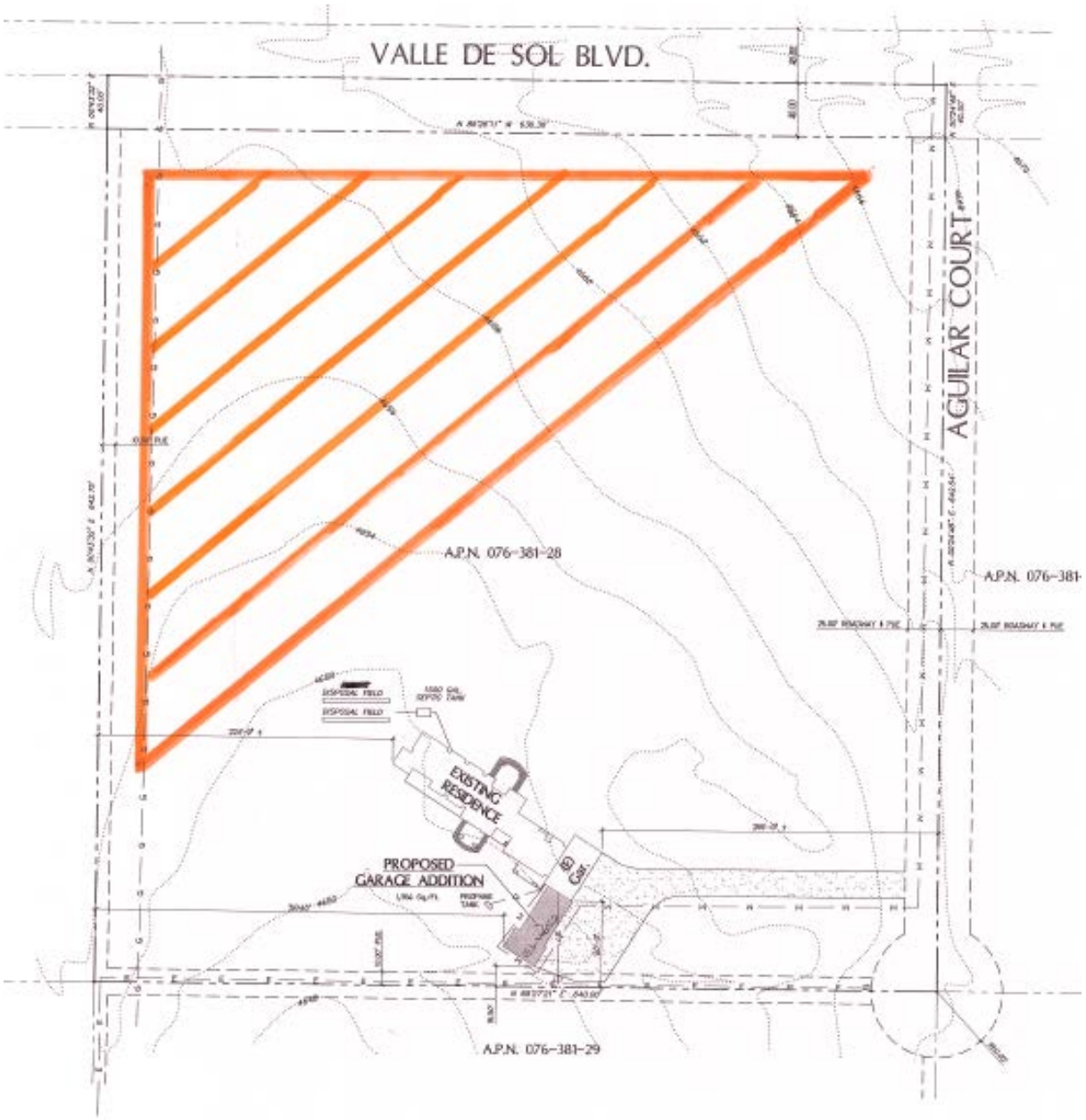
Another alternative might be, as there is vehicular access to the north end of the dwelling, an attached garage located on the north end of the dwelling, proper setback from the septic field would be required. That location is approximately shown below.



Another alternative might include construction of a garage located parallel (rather than perpendicular) to the south side of the dwelling within allowable building area, as approximately shown below.



Yet another alternative includes an area of approximately 3 acres on the subject parcel [shown in orange on the following site plan] that is outside of the "approximate new flood path limits" identified by the applicants engineer, that is within the required setbacks and suitable for development of a garage. Again, while there is no definition under the Development Code for "flood path limits," staff recognizes that occasional heavy rainfall may create occasional run-off in this area. For this reason, it may be more desirable to location additional development on the parcel outside of the area identified by the Applicants representative.



While the alternatives outlined above are not exhaustive, they demonstrate that the strict application of the regulation does not result in exceptional and undue hardships upon the owner of the property. But rather, that any difficulties presented by development are a function of the desire of the applicant to build in relationship to the existing development on the parcel, not the nature of the landform itself or any unique characteristics of the surroundings.

Staff is in agreement with the applicant's representative when, in response to question 5 of the variance application, they state that, "People typically buy these large properties, specifically for the reason of gaining privacy and, sometimes even more importantly, to allow the construction of attached or detached garages and shops…" It has been demonstrated that sufficient options exist on the subject site for construction of both attached and detached garage space within the established building setback requirements.

Citizen Advisory Board

The proposed project was discussed at the regularly scheduled Citizen Advisory Board meeting on September 9, 2015. Staff attended that meeting. The CAB voted 4 in favor with one abstention to recommend approval of the variance as no other property owners attended to voice opposition.

Reviewing Agencies

The following agencies received a copy of the project application for review and evaluation:

- Washoe County Community Services Department
  - Planning and Development
  - Engineering and Capitol Projects
  - Utilities
  - Roads
  - Parks and Open Spaces
  - Building and Safety
  - Traffic
- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division
  - Air Quality Management Division
  - Emergency Medical Services
- US Army Corps of Engineers
- Washoe-Storey Conservation District
- Nevada Department of Environmental Protection
- Nevada Department of Water Resources
- Nevada State Historic Preservation Office
- Truckee Meadows Fire Protection District

None of the seventeen above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application, other than to note that compliance with generally applicable codes would apply to construction of the proposed garage.

Staff Comment on Required Findings

Section 110.804.25 of Article 804, *Variances*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the abandonment request. Staff has completed an analysis of the application and has determined that the proposal is not in compliance with the required findings as follows.

1. 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: As detailed in this report, there are no special circumstances applicable to the subject property.

2. 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: As there are no special circumstances applicable to the property, approval of the requested variance has the potential to impair the intent and purpose of the Development Code which includes, "Section 110.406.25, Unobstructed Yards. Any yard required by the Development Code shall be open and unobstructed from the ground to the sky ..."

3. 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: As 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 portion of a dwelling to be constructed within the required side yard setback, which is inconsistent with the limitations upon surrounding property owners.

4. 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: Approval of the variance would not authorize a use that is otherwise not allowed.

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

   Staff Comment: There is no military installation in the vicinity of the subject site.

Recommendation

Those agencies which reviewed the application recommended no conditions. Staff believes that the necessary findings of fact in support of an approval cannot be made. Therefore, after a thorough analysis and review, denial of Variance Case Number VA15-009 is recommended. 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 VA15-009 for William Van Leuven, being unable to make all five findings in accordance with Washoe County Development Code Section 110.804.25:

1. No Special Circumstances. Because of the lack of 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 does not result in exceptional and undue hardships upon the owner of the property;

2. Detriment. The relief may 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;

3. Special Privileges. The granting of the variance will 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;

4. 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;

5. Effect on a Military Installation. The variance will not have a detrimental effect on the location, purpose and 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, 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 Development Division within 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment.

xc: Property Owner: William Van Leuven
25 Aguliar Court
Sparks, NV 89441

Consultant: Nortech Consultants
Attn: Nicholas Vestbie
300 Western Road
Reno, NV 89506

Washoe – Storey Conservation District (applicable portion):

Variance Case Number VA15-009 (William Van Leuven Garage)

The proposed project is to approve a variance to the side yard building setback distance for a new planned garage addition on the southwest side of the existing garage on a 9.4424 acre parcel. The project is located at 25 Aguilar Court, Sparks, NV. We have the following comments on this proposed project.

1. The proposed project in itself has no impact to the environmental concerns of the Washoe/Storey Conservation District, but we are concerned that any erosional patterns that resulted from the last flooding event may be a source of sediment load in future events. Because these flows add to the potential downstream impacts form increased sediment load, we recommend that as part of the variance approval, the County require the applicant to regrade the areas on their property to remove any flood related channels and establish channels that will handle any estimated flood flows.
2. We also recommend that the County suggest the applicant to contact the Washoe/Storey Conservation District for assistance with developing erosion control methods.

These are our comments and recommendations for the subject projects. We appreciate the opportunity to provide comments and recommendations on projects that may have impacts on our natural resources. Should you have any further questions please contact Kevin J. Roukey by phone at 775-232-1571 or email kevinjr_51@att.net.

Washoe County Engineering and Capital Projects (Roads):

From: Corbridge, Kimble
Sent: Tuesday, September 01, 2015 3:54 PM
To: Pelham, Roger
Cc: Vesely, Leo
Subject: Variance Case Number VA15-009 (William VanLeuven Garage)

Roger,
I have reviewed the referenced Variance and have no comments from a Roads standpoint.
Thx,
Kimble

REGIONAL TRANSPORTATION COMMISSION
Public Transportation · Streets and Highways · Planning

August 25, 2015 FR: Chrono/PL 183-15

Mr. Bill Whitney, Division Director
Community Services Department
Washoe County
P.O. Box 11130
Reno, NV 89520

RE: **AB15-004 (Botick/Bowering)**
AB15-005 (MK III Holdings, LLC)
SB15-004 (LeFriant Family Trust)
SB15-005 (Verizon Arrowcreek)
SB15-006 (Booth Accessory Dwelling)
SB15-007 (Tahoe's Connection for Families)
VA15-006 (Yarhi Estate)
VA15-007 (Miller)
VA15-008 (Myers)
VA15-009 (William VanLeuven Garage)

Dear Bill,

We have reviewed the above applications and have no comments at this time.

Thank you for the opportunity to comment on these applications. Please feel free to contact me at 335-1918 if you have any questions or comments.

Sincerely,

Debra Goodwin
Planning Administrator

DG/jm

Copies: Kelly Mullin, Washoe County Community Services Department
Trevor Lloyd, Washoe County Community Services Department
Grace Sannazzaro, Washoe County Community Services Department
Roger Pelham, Washoe County Community Services Department
Eva M. Krause, Washoe County Community Services Department
Eric Young, Washoe County Community Services Department
Chad Giesinger, Washoe County Community Services Department
Marchon Miller, Regional Transportation Commission
Tina Wu, Regional Transportation Commission
David Jickling, Regional Transportation Commission
Julie Masterpool, Regional Transportation Commission

/Washoe County no comment 090315

RTC Board: Neoma Jardon (Chair) · Ron Smith (Vice Chair) · Bob Lucey · Paul McKenzie · Vaughn Hartung
PO Box 30002, Reno, NV 89520 · 2050 Villanova Drive, Reno, NV 89502 · 775-348-0400 · rtcwashoe.com

VA15-009
EXHIBIT A

WASHOE COUNTY

COMMUNITY SERVICES DEPARTMENT

Engineering and Capital Projects Division

"Dedicated to Excellence in Public Service"

1001 East 9th Street PO Box 11130 Reno, Nevada 89520 Telephone: (775) 328-2040 Fax: (775) 328-3699

INTEROFFICE MEMORANDUM

DATE: September 03, 2015

TO: Roger Pelham, Planning and Development Division

FROM: Leo R. Vesely, P.E., Engineering and Capitol Projects Division

SUBJECT: **VA15-009**
APN 076-381-28
VANLEUVEN GARAGE

I have reviewed the referenced variance case and have no conditions or comments.

LRV/lrv

Amy Ray
Fire Marshal

Tim Leighton
Deputy Fire Chief

Charles A. Moore
Fire Chief

September 3, 2015

Washoe County Community Services Department
1001 East Ninth Street
Reno, NV 89512

Re: Variance Case VA 16-009 (William VanLeuven Garage)

The Truckee Meadows Fire Protection District (TMFPD) will approve the above Special Use Permit with the following conditions:

- This project shall meet the requirements of Washoe County Code 60.
  - This will include the requirements for the *International Wildland Interface Code*, which could impact the exterior construction of the project with a reduced set-back.
- Plans shall be submitted for review and approval for this project.

Please contact me with any questions at (775) 326-6005.

Thank you,

Amy Ray
Fire Marshal

WASHOE COUNTY
HEALTH DISTRICT
ENHANCING QUALITY OF LIFE

September 8, 2015

Roger Pelham MPA, Senior Planner
Washoe County Community Services
Planning and Development Division
PO Box 11130
Reno, NV 89520-0027

RE: William Van Leuven Garage; 25 Aguilar Ct, Sparks, NV
Variance; VA15-009

Dear Mr. Pelham:

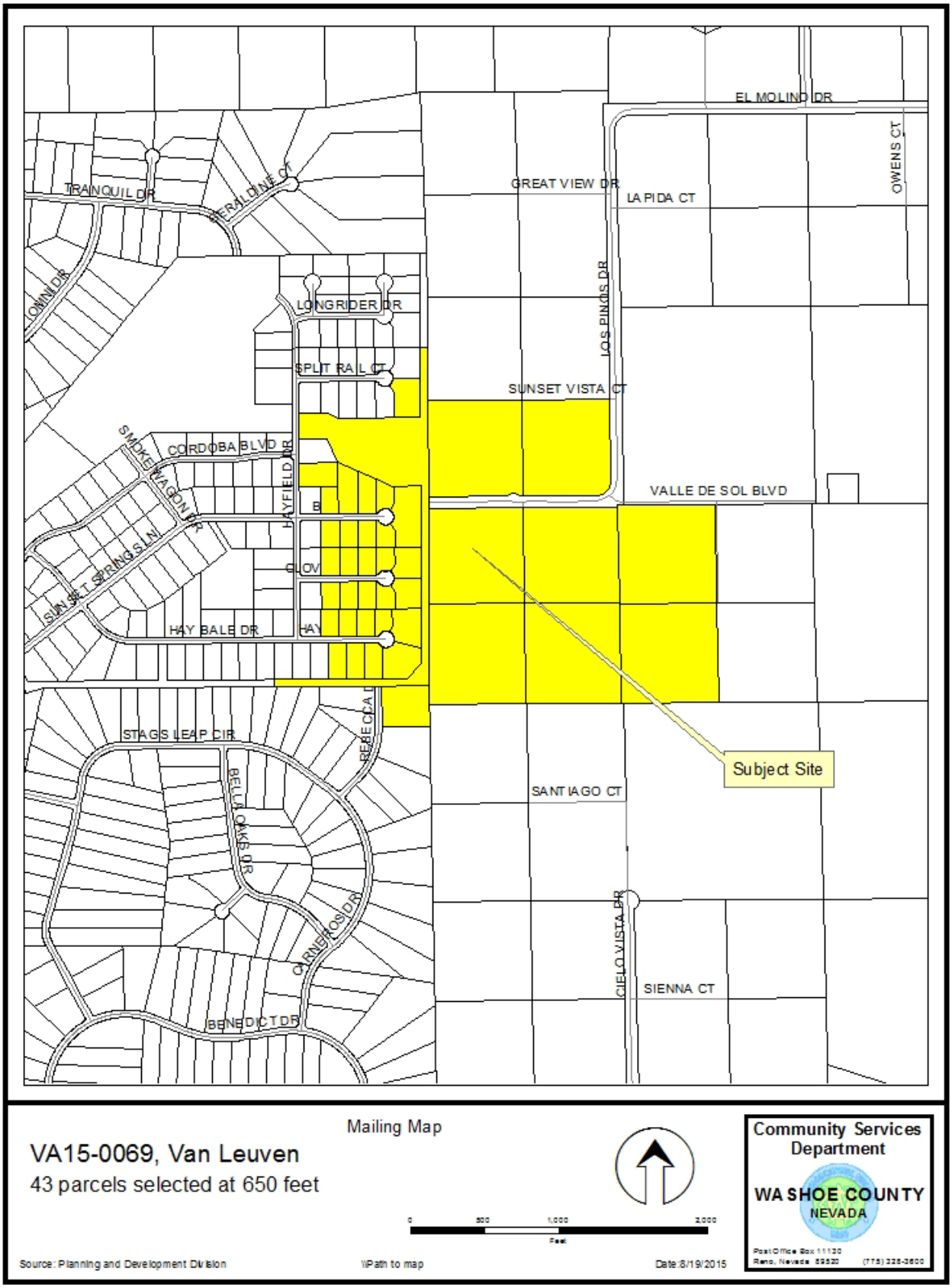
The Washoe County Health District, Environmental Health Services Division (Division) Engineering has reviewed the above referenced project. Approval by this Division is subject to the following conditions:

1. The subject property is currently under review by this Division for onsite sewage disposal and domestic well setbacks for a proposed garage addition per Washoe County Building Permit 15-1493.
    a. This Division requires that any changes to Building Permit 15-1493 resulting from this Variance VA15-009 be resubmitted for review under said building permit.

If you have any questions regarding the foregoing, please call Chris Anderson at 328-2632.

Sincerely,

Chris Anderson, P.E.
Registered Engineer
Land Development Program
Environmental Health Services



Mailing Map

VA15-0069, Van Leuven

43 parcels selected at 650 feet

0 500 1,000 2,000

Feet

Source: Planning and Development Division

\\Path to map

Date:8/19/2015

Community Services Department

WASHOE COUNTY NEVADA

Post Office Box 11130
Reno, Nevada 89520 (775) 328-3600

VA15-009
EXHIBIT B

VA15-009

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

Project Information	**Staff Assigned Case No.:** 15-009
Project Name: VAN LEUVEN RESIDENCE - GARAGE ADDITION	
Project Description: SEE PLAN - GARAGE ADDITION	
Project Address: 25 AGUILAR CT, SPARKS, NV 89441	
Project Area (acres or square feet): NEW PROJECT 1,356 SQ FT	
Project Location (with point of reference to major cross streets **AND** area locator): CORNER OF AGUILAR CT & VAILE DE SOL BLVD.	

Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
076-381-28	9.4424		

Section(s)/Township/Range: T.21N, R.21E.

Indicate any previous Washoe County approvals associated with this application:
Case No.(s). N/A

Applicant Information (attach additional sheets if necessary)

Property Owner:	**Professional Consultant:**
Name: WILLIAM VAN LEUVEN	Name: NORTECH CIVIL CONSULTANTS
Address: 25 AGUILAR CT	Address: 300 WESTERN RD
SPARKS, NV Zip: 89441	RENO, NV Zip: 89506
Phone: 775-813-7890 Fax:	Phone: 775-852-7475 Fax:
Email: SKIBUCKAROO@YAHOO.COM	Email: NICK@NORTECHLTD.COM
Cell: SAME Other:	Cell: 775-690-1703 Other:
Contact Person: WM "BUTCH" VAN LEUVEN	Contact Person: NICHOLAS S. VESTHIE-5173
Applicant/Developer: N/A	**Other Persons to be Contacted:** N/A
Name:	Name:
Address:	Address:
Zip:	Zip:
Phone: Fax:	Phone: Fax:
Email:	Email:
Cell: Other:	Cell: Other:
Contact Person:	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)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to variances may be found in Article 804, Variances.

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

SEE ATTACHED

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?

SEE ATTACHED

VA15-009
EXHIBIT C

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?

SEE ATTACHED

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.)?

SEE ATTACHED

VA15-009
EXHIBIT C

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

SEE ATTACHED

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. What is your type of water service provided?

☐ Well	☒ Community Water System

8. What is your type of sanitary waste disposal?

☒ Individual Septic System	☐ Community Sewer System

NORTECH
GEOTECHNICAL/CIVIL CONSULTANTS, LTD. 300 Western Road, #3, Reno, NV 89506 • (775) 852-7475 FAX (775) 852-7488

August 17, 2015
11171-11N

Mr. and Mrs. Van Leuven
25 Aguilar Court
Sparks, Nevada 89411

RE: Building Addition Setback Variance
Site and Flood Evaluation
25 Aguilar Court
Sparks, Nevada 89411

Herein we our addressing our evaluation of the site and vicinity conditions in an attempt to aid the Van Leuvens (property owners) in obtaining a variance to the side yard building setback distance for a new planned garage addition on the southwest side of the existing garage. For this addition, we (Nortech) understand that the building designer, Aesthetic Engineering, has shown the set back as 15.50 feet on the plans. This is an error, as the actual set back is to be 50 feet. Therefore, the variance involves allowing the 15.50 foot set back to remain.

We further understand that the Washoe County Variance Board believes that the addition should be moved to the northeast side of the existing garage, where the setback can be met. The owners believe that this is not feasible and we are providing flooding, topographic, drainage and access evidence and hardship considerations to aid in building their case for the variance to be granted.

The document entitled "Variance Application Supplemental Information" contains eight queries addressing information needed for Washoe County to fully evaluate the variance request. Nortech will respond to the first five queries and the owners will respond to queries six through eight. Our response to the five are as follows:

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

Response 1: The side yard building setback is shown as 15.50 feet on the design plans and the Development Code setback is 50.00 feet. We are requesting that the 15.50 foot setback be approved and the addition be built at the design location.

Question 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?

Response 2: The topography shown on Sheet C-1 of the Aesthetic Engineering plans indicates that if the garage was placed on the northeast side, then a minimum cut of about 2 feet would be required to attain the slab subgrade elevation. This would mean that for surface drainage the around the northeast side of the residence, another one foot or so of cut would be needed to channel the drainage away. This would result in a large, deep cut and could impact the existing septic system.

NORTECH

However, this is of concern, but not the major concern. The major concern is in regard to the new floodway that has been created, apparently as a result of drainage changes along Valle Del Sole Boulevard. Plate 1 attached shows the FEMA Flood Insurance Rate Map of the site vicinity indicating that the subject property is in Zone X, a zone of the 0.2 % annual chance flood hazard (500 year flood zone). This is a zone of flooding with a return period as 500 years. However, the owners are supplying pictures of the flood conditions that occurred and inundated their property about 3 years ago. The flood water scourging with rock deposits and washed sand deposits are visible in the zone shown on Plate 2 (Google map dated 6/24/15). As shown in the pictures, the flood that occurred can be classified as a major event.

The ramifications of this flooding condition is, if the garage is built on the northeast side, it would essentially "dam up" the flood waters, raising the flood level and possibly causing water to enter the residence above the floor level. Major interior damage would result. The owners have pictures indicating that their garage was flooded in the referenced event, but the water did not rise to the living space floor level. We believe that this would not be the case if the dam condition was created.

Question 3: What steps will be taken to prevent negative impacts (e.g blocking views, reducing privacy, decreasing pedestrian or traffic safety, etc.) to other properties or uses in the area?

Response 3: There is no need for any steps to be taken as the addition will not result in any of the above negative impacts. In fact, the only negative impact for the addition to be relocated to the northeast side would be that the access to the residence front door would be blocked. The owners would have to walk around a 28 foot long,19 foot wide append-age to enter their front door from their driveway.

Question 4: How will this variance enhance the scenic or environmental character of the (e. g. eliminate encroachment onto slopes or wetlands, provide enclosed parking, eliminate clutter in view of the neighbors, etc.)?

Response 4: This variance will have no affect on the scenic or environmental character of the neighborhood.

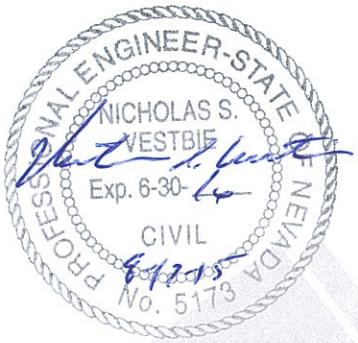
Question 5: What enjoyment or use of your property would you be denied that is common to other properties in your neighborhood?

Response 5: The enjoyment of adding a large new garage that will house equipment and/or vehicles other than the automobiles that would be housed in the existing garage. People typically buy these large properties, specifically for the reason of gaining privacy and, sometimes even more importantly, to allow construction of attached or detached garages and shops for sport, gardening, etc. equipment and vehicles and/or for increased work place and hobby shop use.

As can be seen by the reviewing Board, there is ample justification in granting this variance. We trust that this fulfills satisfactory response to the above stated queries, if you have any questions, please contact our office.

Yours very truly,

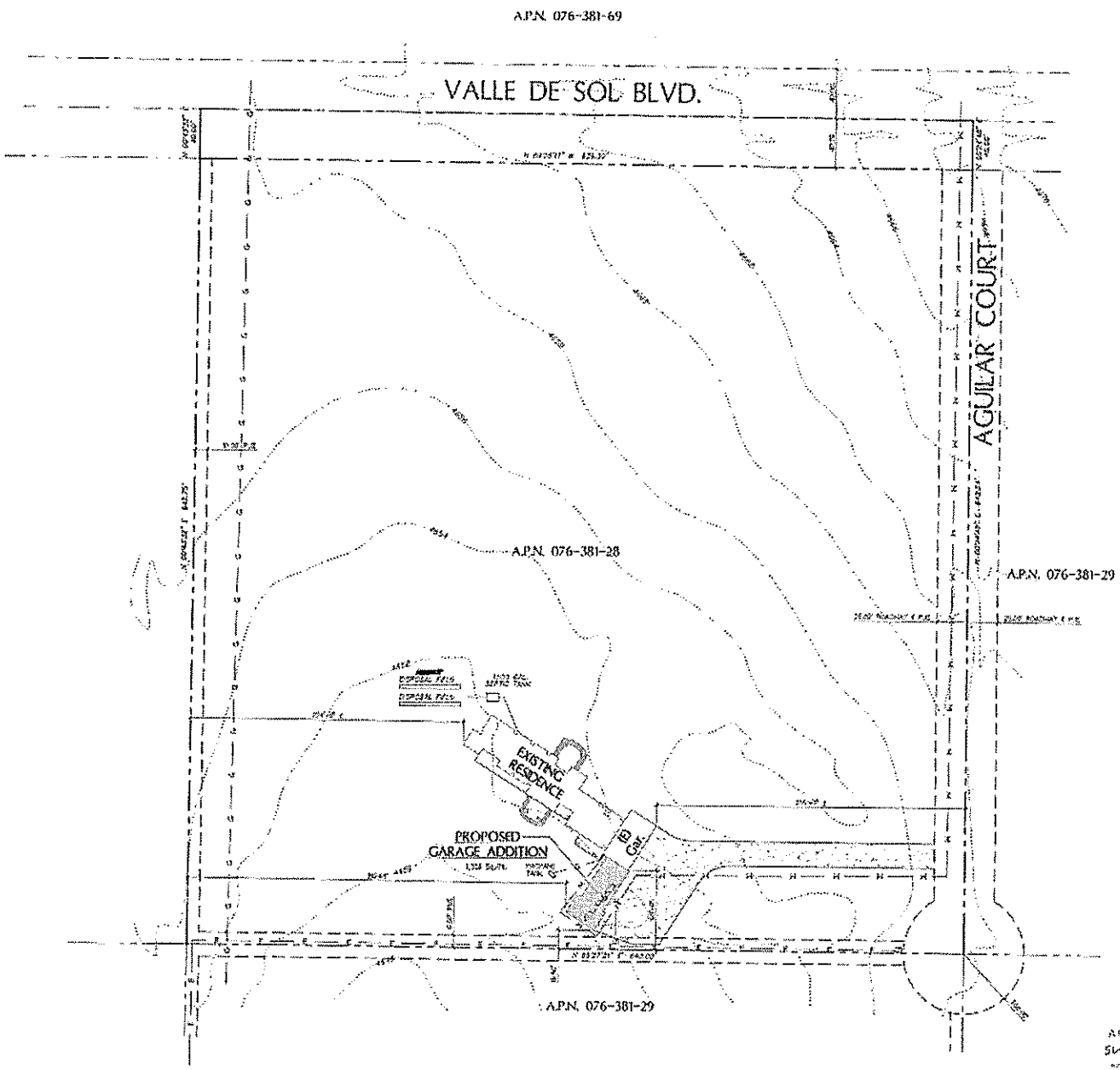
NORTECH Geotechnical/Civil Consultants, Ltd.



Nicholas S. Vestbie
Civil Engineer - 5173

NSV/llm

Enclosures: Plate 1: FEMA Flood Mapping
Plate 2: Recent Flood Mapping



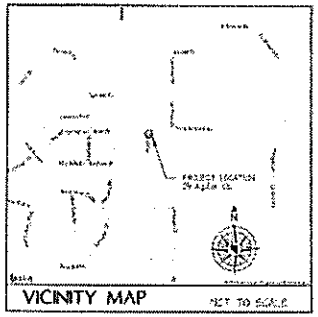
PROJECT INFORMATION:

OWNER
William Van Leuven
25 Aguilar Court
Sparks, Nevada 89441

ENGINEER
AESTHETIC ENGINEERING
140 W. Hillaker Lane
Suite 505
Reno, Nevada 89511
Ph: (775) 359-4355
Fax: (775) 329-2382

SITE DATA:
A.P.N. 076-381-28 (0.424 Acres)
4-BEDROOM, 5-BATH, 10 STAR F
LAND USE: SFR (SINGLE FAMILY)
HEATING: GAS
WATER: WELL
SEWER: SEPTIC

CODES:
CODES:
2012 INTERNATIONAL BUILDING CODE (I.B.C.)
2012 UNIFORM PLUMBING CODE (U.P.C.)
2011 NATIONAL ELECTRIC CODE (N.E.C.)



SITE PLAN NOTES:
1. FOR EXISTING SITE INFORMATION AND TOPOGRAPHY HAS BEEN TAKEN FROM INFORMATION PROVIDED BY WASHOE COUNTY ASSESSORS OFFICE FOR USE BY THE CONSULTANT. THE CONSULTANT ASSUMES NO LIABILITY FOR THE EXISTING INFORMATION PROVIDED OR THE ACCURACY OF THAT INFORMATION.

LEGEND
- PROPERTY LINES
- (E) CONTOURS
- SETBACKS/EASEMENTS
- E — E — ELECTRICAL LINE
- G — G — NATURAL GAS LINE

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

ACCEPTED
Washoe County Health District
Environmental Health Services

AESTHETIC ENGINEERING
(775) 359-4355
(775) 329-2382 fax
140 W. Hillaker Lane
Suite 505
Reno, Nevada 89511
www.aesteng.net

Proposed Garage Addition For :
Van Leuven Residence
Sparks, Nevada
25 Aguilar Court
A.P.N. 076-381-28

Engineer Of Record
Trevor J. Anderes, P.E.

Revisions
1
2
3

Date 5/29/2015
Drawn MPE
Checked TJA
Project No. 15015

Site Plan

C*-1

VA15-009
EXHIBIT C

VA15-009
EXHIBIT C

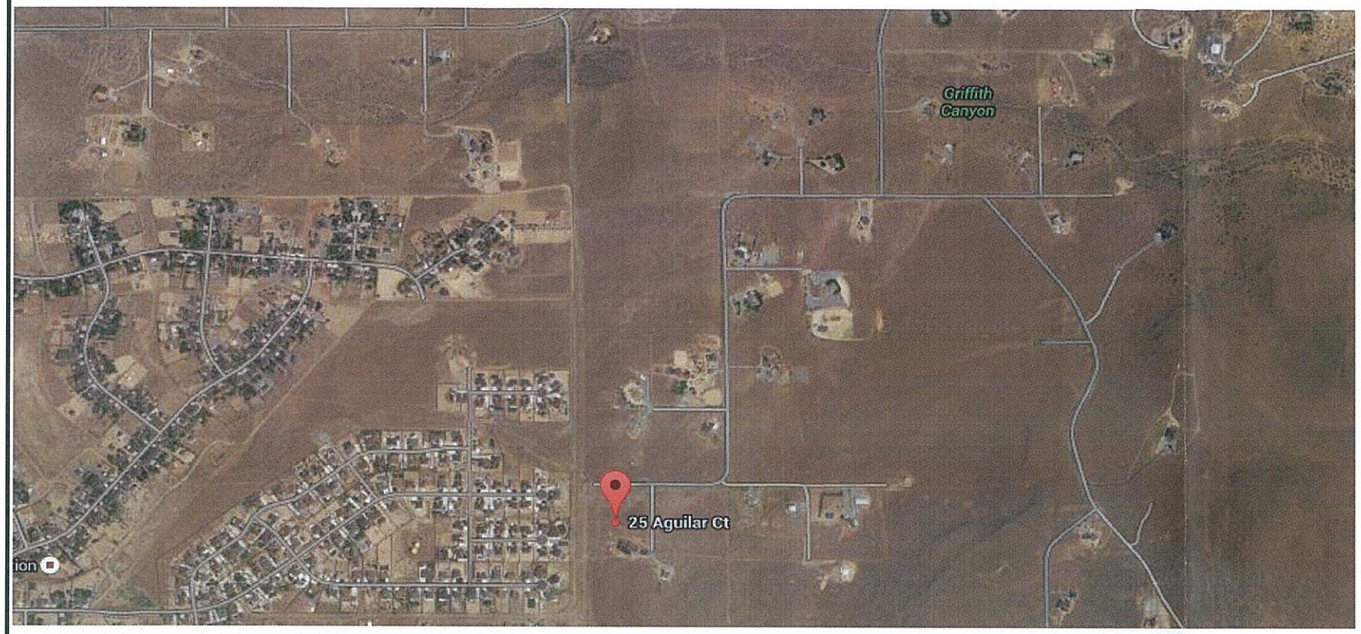
PURPOSED GARAGE SITE.

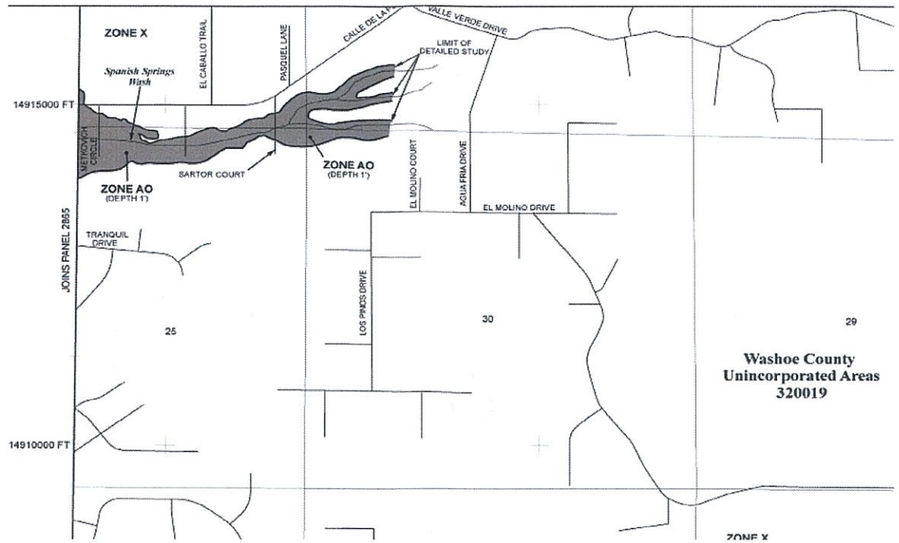
VA15-009
EXHIBIT C

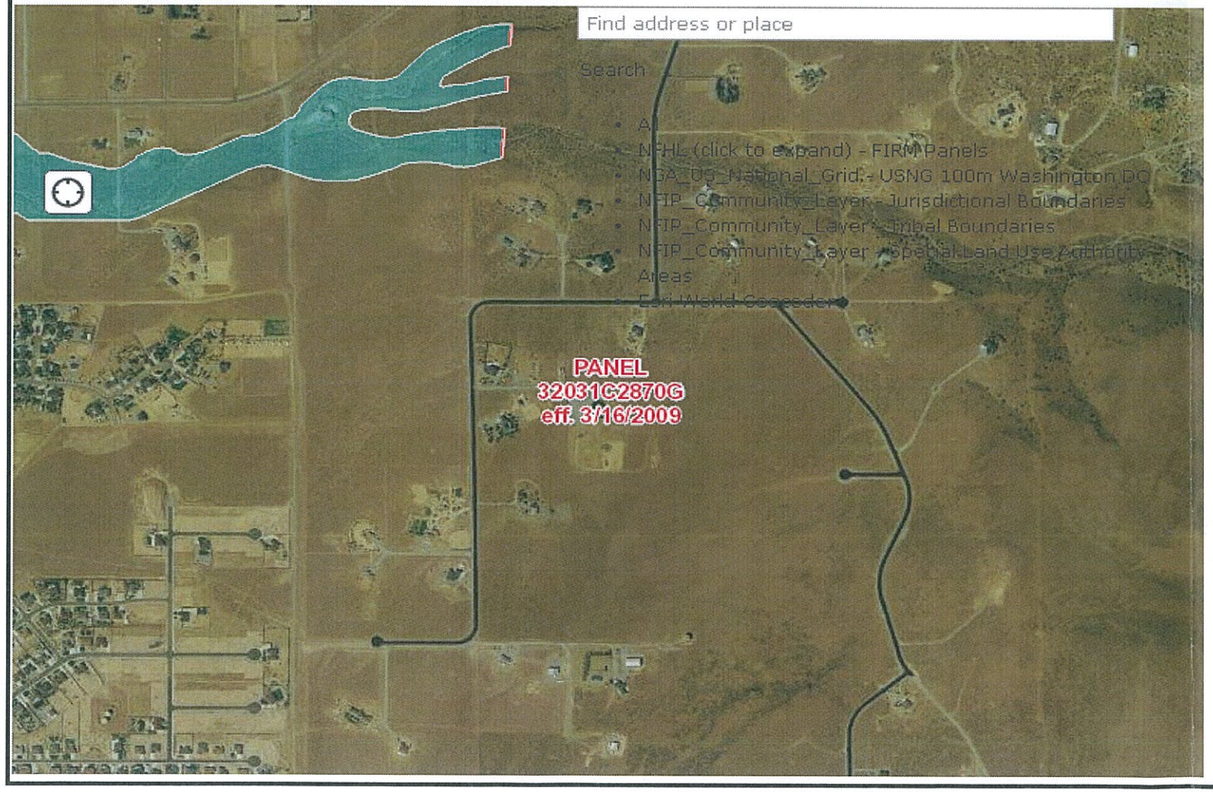
VA15-009
EXHIBIT C

VA15-009
EXHIBIT C

VA15-009
EXHIBIT C







Legend

Base Flood Elevations

Flood Hazard Boundaries
- Limit Lines
- SFHA / Flood Zone Boundary
- Other Boundaries

Flood Hazard Zones
- 1% Annual Chance Flood Hazard
- Regulatory Floodway
- Special Floodway
- Area of Undetermined Flood Hazard
- 0.2% Annual Chance Flood Hazard
- Future Conditions 1% Annual Chance Flood Hazard
- Area with Reduced Risk Due to Levee

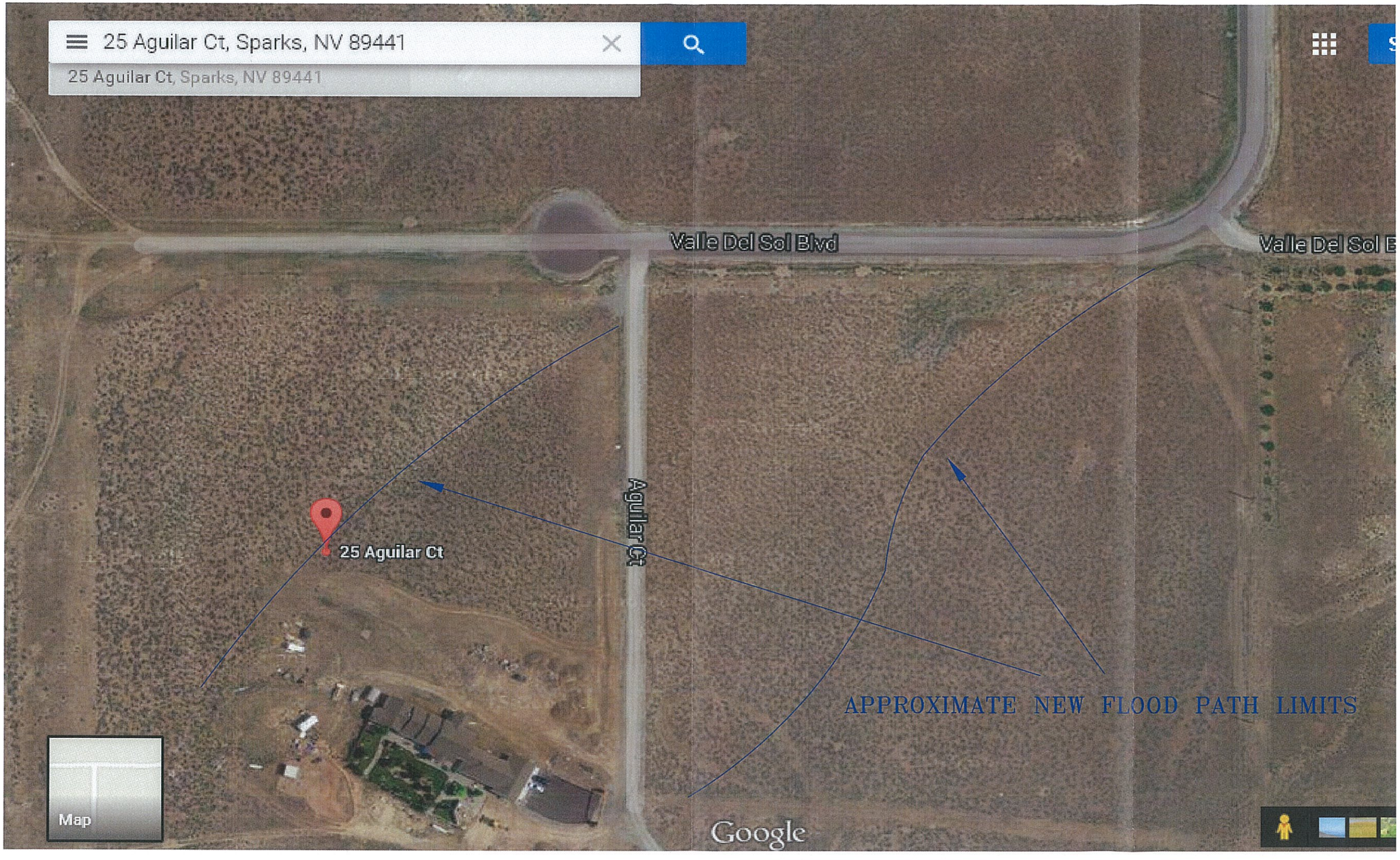
NORTECH
GEOTECHNICAL/CIVIL CONSULTANTS, LTD.

Job No. 11171-11N
Appr. /NSV
Date 8-13-15

FEMA FLOOD MAPPING
25 Aguilar Ct
Sparks, NV 89441
APN: 076-381-28

PLATE
1

VA15-009
EXHIBIT C



IMAGERY DATE: 6/24/2015

NORTECH
GEOTECHNICAL/CIVIL CONSULTANTS, LTD.

Job No. 11171-11N
Appr. /NSV
Date 8-13-15

RECENT FLOOD MAPPING

25 Aguilar Ct
Sparks, NV 89441
APN: 076-381-28

PLATE
2

VA15-009
EXHIBIT C

VA15-009
EXHIBIT C

VA15-009
EXHIBIT C

VA15-009
EXHIBIT C

VA15-009
EXHIBIT C

VA15-009
EXHIBIT C


VA15-000
EXHIBIT O

ATTACHMENT B

WASHOE COUNTY
BOARD OF ADJUSTMENT
Draft Meeting Minutes

Board of Adjustment Members
Lee Lawrence, Chair
Kim Toulouse, Vice - Chair
Kristina Hill
Brad Stanley
Clay Thomas
William Whitney, Secretary

Thursday, October 1, 2015
1:30 p.m.

Washoe County Administration Complex
Commission Chambers
1001 East Ninth Street
Reno, NV

The Washoe County Board of Adjustment met in regular session on Thursday, October 1, 2015, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

1. *Determination of Quorum

Chair Lawrence called the meeting to order at 1:34 p.m. The following members and staff were present:

Members present:	Lee Lawrence, Chair Kim Toulouse, Vice – Chair Kristina Hill Brad Stanley Clay Thomas
Members absent:	None
Staff present:	William Whitney, Division Director, Planning and Development Grace Sannazzaro, Planner, Planning and Development Roger Pelham, Senior Planner, Planning and Development Eric Young, Planner, Planning and Development Kelly Mullin, Planner, Planning and Development Mike Large, Deputy District Attorney, District Attorney's Office Kathy Emerson, Administrative Secretary Supervisor, Planning and Development Donna Fagan, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Member Toulouse led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Mike Large recited the Ethics Law standards.

4. *Appeal Procedure

Mr. Whitney recited the appeal procedure for items heard before the Board of Adjustment.

9. Public Hearings

D. Variance Case Number VA15-009 (William Van Leuven Garage) – Hearing, discussion, and possible action to approve a variance reducing the side yard setback from fifty (50) feet to fifteen (15) feet to facilitate the construction of a garage.

- Applicant/Property Owner: William Van Leuven
25 Aguliar Court
Sparks, NV 89441
- Location: southwest corner of Aguilar Court and Valle De Sol Boulevard in Spanish Springs
- Assessor's Parcel Number: 076-381-28
- Parcel Size: ± 9.4 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 804, Variances
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 30, T21N, R21E, MDM,
Washoe County, NV
- Staff: Roger Pelham, MPA, Senior Planner
Washoe County Community Services Department
Division of Planning and Development
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham reviewed his staff report dated September 10, 2015.

Member Stanley recognized Mr. Pelham for the good job of finding alternatives to the applicant's request.

Chair Lawrence asked will this garage have any influence on redirecting flood water away from the house. Mr. Pelham said no, it would not. He thinks if the garage is placed where the applicant proposes, the water would collect up against the front of the house. Chair Lawrence asked if its placement would redirect the water. Mr. Pelham referred to page 11 of the staff report saying it is his understanding that most of the water flow comes from the northeast to the southwest. If the garage was placed to the northeast of the existing dwelling the flood flow coming from the northeast would pool in front of the house, possibly into the house. If the garage was placed to the south of the dwelling he doesn't believe it will redirect the flood flow.

Nick Vespee, Civil Engineer, stated the applicant wants to put the garage to the south of the existing garage because it's convenient. The flood that recently impacted the residence is a new floodway, referring to page 10 of the staff report. As a result of culverts being added, changed and removed at the 90% turn on Valle Del Sol Blvd. the water flows over and down through the Van Leuven property, as shown by the distressed vegetation. Mr. Vespee referred to page 9 of the staff report saying the blue area is flood zone A. The Van Leuven home is now in flood zone 1A, a 100 year flood plain. In the past it was zone X, a 500 year flood plain. A new floodway was created in an area where the floodway did not previously exist which has put an impact on the Van Leuven home as seen in photo in the application. He also noted the topographical map submitted in the staff report was not the same as the copy he had. Mr. Vespee went on to say they disagree with the assessment of the findings. He submitted a letter

from a neighbor, Mr. Unger, who has no problem with the placement of the garage. Mr. Vespee referred to page 11 of the staff report saying it wouldn't make any sense to build the garage, in blue, in that area as it would be too far to walk to the entrance of the home.

Chair Lawrence asked Mr. Vespee how the garage in the proposed area would help mitigate flooding. Mr. Vespee answered that swales were added after the flooding. Chair Lawrence asked if there were any special considerations in the plans to raise the garage higher. Mr. Vespee said no.

Chair Lawrence opened public comment.

Gwen Lorson, a friend of Mr. Van Leuven, stated she has a degree in hydrology. She noted the front of the house faces northeast, there are trailers stored to the west of the home, the septic system is to the north of the northwestern most corner of the home, there are also monitoring wells in that area. Because of flood flow changes, land use changes, and the purchase of properties to the north of his he's in a hole now. The garage placed in the alternate area, to the north east would block water and create larger problems. The best place for the garage is where the applicant has proposed.

William Van Leuven, the applicant, said he's lived on the property for 15 years and it floods all the time. It's gotten worse since the County paved the roads two years ago. Previously, there were culverts. Now he's on a hillside and the water runs down from the road to his property and to the west of the home. He built the home as far to the east as possible. With the culvert changes at the 90% turn on Valle Del Sol the water comes from that area across to his property and to the west where the natural drainage is. The only logical place for the garage is where they propose. The proposed alternative would create a huge catch basin for the water which would enter his home. Mr. Van Leuven said he's spoken with the County regarding the road resulting in his flooding and they said he has to deal with it.

Chair Lawrence asked Mr. Van Leuven if he felt his property would be better protected with the garage in the location he has asked to have it placed. Mr. Van Leuven said yes, the reason is the water will come to the front of his home he doesn't want the garage to the front. If he puts it on the side where the land slopes to the south, it'll channel the water away from the house. They've placed a few swales in the front to alleviate the flooding that just happened but he has to be careful as there is a septic tank and monitoring wells in the front. The proposed placement of the garage will result in the least damage in another flood.

Chair Lawrence closed public comment.

Member Toulouse disclosed he knows Mr. Van Leuven but hasn't seen him in 4 – 5 years. Mr. Van Leuven called Member Toulouse on September 22, 2015 and they discussed the project but he said the same things he's presented to the Board today. There were no other disclosures made.

Member Toulouse opined this was a difficult case as it doesn't have any special circumstances but he thinks Mr. Van Leuven and Mr. Vespee have shown that there is a special circumstance that may or may not be precipitated by the road which has added to his flooding problem and placing the garage in the proposed location would help alleviate some of the potential damage created by the flooding when it floods again. Member Toulouse thinks a special circumstance has been created over time which helps him make the findings to approve the variance.

Chair Lawrence noted he knows where Mr. Van Leuven's property is, lives in that area, and knows how it can flood. He thinks if a property owner feels he can better protect his home then

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the Board should support that intention and that is what's at hand here today. Chair Lawrence is aware there have been channel changes in the area when they did the roads resulting in changes to the topography and drainage. He supports this project.

Member Hill asked if because of the special circumstances does that allow the applicant to build in the setback and if placed anywhere else the home would flood. Member Toulouse said he thinks that's what they're saying; with the circumstances that have been created they would be allowing him to build the garage in the setback to protect his home from future flooding and the alternatives that have been addressed will make the home more susceptible to flooding maybe even increasing the potential for flooding. Member Toulouse doesn't have a problem with the garage being built into the setback because of those conditions. Member Hill asked if this would set a precedent for this type of thing. Chair Lawrence said if it was his home he hoped it would if it could help alleviate it but in the case of the Board, each application is on a case by case basis.

Member Stanley asked Mr. Pelham if he made site visits. Mr. Pelham said yes, with the applicant's representative. He also walked the site and examined the bend in the road. The special circumstances of the occasional flooding did not, in my evaluation of the findings, rise to the level of a hardship. That is within the Boards purview to determine. Mr. Pelham said he also spoke with Washoe County engineering staff regarding the road and they said when the roads were put in the flood flow was accounted for. Member Stanley asked if the misalignment in the topo maps was relevant to the case. Mr. Pelham said he doesn't believe there was a mistake. Chair Lawrence noted the topo map in the staff report and Mr. Vespee's topo map were almost exactly the identical.

Member Thomas said building a garage or not building a garage has nothing to do with the flooding but how it's going to affect the property if the structure is in its way. Where is it going to re-divert the flow of the water; is it going to re-divert and flood another person's property. Can the garage be cut back so it doesn't affect another property. He doesn't want to prohibit the applicant from building a garage but doesn't want to set a precedent. Chair Lawrence said he had never considered the size of the garage and didn't think it is relevant. He opined the roads being paved created the flooding problem. Member Hill asked why the garage had to be so big as to extend into the setback. She's not in approval of the project.

Member Toulouse moved 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 approve Variance Case Number VA15-009 for William Van Leuven, being able to make the finding of Special Circumstance in accordance with Washoe County Development Code Section 110.804.25 and to approval all the standard conditions of approval. Chair Lawrence seconded the motion. The motion didn't carry with two votes for approval, three votes against approval.

Member Hill moved 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 VA15-009 for William Van Leuven, being unable to make all five findings in accordance with Washoe County Development Code Section 110.804.25. Member Stanley seconded the motion which carried with three votes for denial and two votes against denial.

The motion was based on the following findings:

1. No Special Circumstances. Because of the lack of 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 does not result in exceptional and undue hardships upon the owner of the property;

2. Detriment. The relief may 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;

3. Special Privileges. The granting of the variance will 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;

4. 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;

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

Mr. Whitney read the appeal procedures.

14. Adjournment

The meeting adjourned at 5:49 p.m.

Respectfully submitted,

_____
Donna Fagan, Recording Secretary

Approved by Board in session on _____ 2015

_____
William H. Whitney
Secretary to the Board of Adjustment

Attachment C

Board of Adjustment Action Order

Variance Case Number VA15-009

Decision:	Denial
Decision Date:	October 1, 2015
Mailing/Filing Date:	October 5, 2015
Property Owner:	William Van Leuven 25 Aguliar Court Sparks, NV 89441
Assigned Planner:	Roger Pelham, MPA, Senior Planner Washoe County Community Services Department Planning and Development Division
Phone:	775.328.3622
E-Mail:	rpelham@washoecounty.us

Variance Case Number VA15-009 (William Van Leuven Garage) – Hearing, discussion, and possible action to approve a variance reducing the side yard setback from fifty (50) feet to fifteen (15) feet to facilitate the construction of a garage.

- Applicant/Property Owner: William Van Leuven
25 Aguliar Court
Sparks, NV 89441
- Location: southwest corner of Aguilar Court and Valle De Sol Boulevard in Spanish Springs
- Assessor's Parcel Number: 076-381-28
- Parcel Size: ± 9.4 acres
- Master Plan Category: Rural (R)
- Regulatory Zone: General Rural (GR)
- Area Plan: Spanish Springs
- Citizen Advisory Board: Spanish Springs
- Development Code: Authorized in Article 804, Variances
- Commission District: 4 – Commissioner Hartung
- Section/Township/Range: Section 30, T21N, R21E, MDM, Washoe County, NV

Notice is hereby given that the Washoe County Board of Adjustment denied the above referenced case number based on the inability to make the findings required by Washoe County Development Code Section 110.804.25.

1. No Special Circumstances. Because of the lack of 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 does not result in exceptional and undue hardships upon the owner of the property;

2. Detriment. The relief may 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;

3. Special Privileges. The granting of the variance will 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;

4. 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;

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

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 days of the date that this written decision is filed with the Secretary to the Board of Adjustment and a copy mailed to the applicant as indicated above. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Washoe County
Planning and Development

for William Whitney
Secretary to the Board of Adjustment

WW/RP/df

Property Owner: William Van Leuven
25 Aguliar Court
Sparks, NV 89441

Consultant: Nortech Consultants
Attn: Nicholas Vestbie
300 Western Road
Reno, NV 89506

Attachment D

Washoe County
Appeal of Decision Application

Appeal of Decision by (Check one)

☑ Board of Adjustment	☐ Hearing Examiner
☐ Design Review Committee	☐ Parcel Map Review Committee
☐ Director of Building & Safety (NRS 278.310)	☐ Planning Commission
☐ Director of Planning and Development	☐ Code Enforcement Officer

Appellant Information

Name: William Van Leuven	Phone: 775-813-7890
Address: 25 Aguilar Court	Fax:
	Email: skibuckaroo@yahoo.com
City: Sparks State: NV Zip:	Cell: 775-813-7890

Original Application Number: 15-1493

Project Name: Garage Addition

Project Location: 25 Aguilar Court, Sparks, NV 89441

Date of decision for which appeal is being filed: 1 Oct 2015

State the specific action you are appealing:

The Board of Adjustment decision to deny my variance request on the 1 Oct 2015 meeting by a 3-2 vote with the Chairman & Vice Chairman voting in my favor for the variance.

State the reasons why the decision should or should not have been made:

I present a very strong case for my for a variance for the reason of severe flooding of my property. The proposed 56' X 28' Garage would protect my backyard from flooding and being destroyed plus the new garage addition would push water away from my home to the south then to the west to the existing natural drainage.

For Staff Use Only

Appeal Number:	**Date Stamp**
Notes:	Staff:_____

Appellant Information (continued)	
Cite the specific outcome you are requesting under the appeal: The approval of the setback variance from 50FT to 15FT.	
State how you are an affected individual entitled to file this appeal: I'm the owner of the home, I'm trying to protect my home and property from the yearly flooding. Note: I will be out of the country on 10 Nov 2015 and NOT available. I will be available for the 24 Nov or the 8 Dec 2015.	
Did you speak at the public hearing when this item was considered?	☑ Yes ☐ No
Did you submit written comments prior to the action on the item being appealed?	☑ Yes ☐ No

For time limitations imposed for the various types of appeals, please refer to the Washoe County Development Code (WCC Chapter 110) and Nevada Revised Statutes Chapter 278 (NRS 278).

APPELLANT AFFIDAVIT

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, William Van Leuven,
being duly sworn, depose and say that I am an appellant seeking the relief specified in this petition 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 staff of the Planning and Development.

Signed William Van Leuven

Address 25 Aquilae Ct
Sparks, NV 89441

Subscribed and sworn to before me this 12 day of October, 2015.

Notary Public in and for said county and state

My commission expires: 8/20/2018

(Notary stamp)

RICHARD SAHLBERG
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 10-2843-2 - Expires August 20, 2018

Exhibit E
Possible Conditions of Approval

Variance Case Number VA15-009

The project approved under Variance Case Number VA15-009 shall be carried out in accordance with the Conditions of Approval granted by the Board of County Commissioners on December 8, 2015. Conditions of Approval are requirements placed on a permit or development by each reviewing agency. These Conditions of Approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property.

Unless otherwise specified, all conditions related to the approval of this Variance shall be met or financial assurance must be provided to satisfy the conditions of approval prior to issuance of a grading or building permit. The agency responsible for determining compliance with a specific condition shall determine whether the condition must be fully completed or whether the applicant shall be offered the option of providing financial assurance. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Planning and Development Division.

Compliance with the conditions of approval related to this Variance is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. Failure to comply with any of the conditions imposed in the approval of the Variance may result in the initiation of revocation procedures.

Washoe County reserves the right to review and revise the conditions of approval related to this Variance should it be determined that a subsequent license or permit issued by Washoe County violates the intent of this approval.

For the purpose of conditions imposed by Washoe County, "may" is permissive and "shall" or "must" is mandatory.

Conditions of Approval are usually complied with at different stages of the proposed project. Those stages are typically:

- Prior to permit issuance (i.e., grading permits, building permits, etc.).
- Prior to obtaining a final inspection and/or a certificate of occupancy.
- 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 project or business.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through the Washoe County Health District, has jurisdiction over all public health matters in the Health District. Any conditions set by the Health District must be appealed to the District Board of Health.**

FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Development Division

1. The following conditions are requirements of the Planning and Development Division, which shall be responsible for determining compliance with these conditions.

   Contact Name – Roger Pelham, 775.328.3622, rpelham@washoecounty.us

   a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. The Planning and Development Division shall determine compliance with this condition.

   b. A copy of the Final Order stating conditional approval of this variance shall be attached to all applications for administrative permits, including building permits, issued by Washoe County.

Truckee Meadows Fire Protection District (TMFPD)

2. The following conditions are requirements of the TMFPD, which shall be responsible for determining compliance with these conditions.

   Contact Name – Amy Ray, 775. 326-6005, aray@tmfpd.us

   a. This project shall meet the requirements of Washoe County Code 60.
      i. This will include the requirements for the International Wildland Interface Code, which could impact the exterior construction of the project with a reduced set-back.
   b. Plans shall be submitted for review and approval for this project.

Washoe County District Health Department (WCDHD)

3. The following conditions are requirements of the WCDHD, which shall be responsible for determining compliance with these conditions.

   Contact Name – Chris Anderson, 775. 328-2434, canderson@washoecounty.us

   a. This Division requires that any changes to Building Permit 15-1493 resulting from this Variance VA15-009 be resubmitted for review under said building permit.

*** End of Conditions ***