WASHOE COUNTY

Integrity Communication Service
www.washoecounty.us

CM/ACM_____
Finance_____
DA_____
Risk Mgt._N/A
HR_ N/A
Comptroller _____

STAFF REPORT
BOARD MEETING DATE: March 14, 2017

DATE: February 3, 2017

TO: Board of County Commissioners

FROM: Eva M. Krause, AICP, Planner, Planning and Development
Community Services Department, 328-3628, ekrause@washoecounty.us

THROUGH: Bob Webb, Planning Manager, Planning and Development,
Community Services Department, 328-3623, bwebb@washoecounty.us

SUBJECT: Public Hearing, discussion, and possible action on Appeal Case Number AX16-007 (Brian and Terry Nelson), an appeal of the Board of Adjustment's approval of Variance Case VA16-006 (Jeffery Eget) for the property at 45 E. Tuscarora Road, Crystal Bay, NV (APN 123-136-02) to: 1) reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck; 2) reduce the side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor additions; 3) reduce the front yard setback along Teresa Court from 20 feet to 10 feet, reduce the front yard setback along Tuscarora Road from 20 feet to 8 feet and reduce the side yard setback from 8 feet to 7 feet for a detached accessory structure to be used as a garage; 4) permit a second story above the garage; 5) allow additional plumbing fixtures in the accessory structure. The possible actions to be taken are to affirm, reverse, or modify the decision of the Board of Adjustment. (Commission District 1.)

SUMMARY

The Washoe County Board of County Commissioners (Board) may choose to affirm, reverse, or modify the Board of Adjustment's approval of Variance Case Number VA16-006 to reduce the front yard setback along Wassou Road from 20 feet to 7 feet for a storage room below the deck on the house; to reduce the side yard setback from 8 feet to five feet to build an addition in the house and to expand the second floor to be in-line with the existing and proposed first floor addition; to reduce the front yard setback along Teresa Court from 20 feet to 10 feet, the front yard setback along Tuscarora Road from 20 feet to 8 feet, and the side yard setback from 8 feet to 7 feet for a garage with a second story; and, to allow additional plumbing fixtures to allow two full baths and a laundry room in the accessory structure.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

AGENDA ITEM # _____

PREVIOUS ACTION

September 26, 2016, Incline Village/Crystal Bay Citizen Advisory Board (CAB). The applicant's architect reviewed the project with the CAB and those public who attended the meeting. After discussion, the CAB made a motion to recommend approval of Variance Case Number VA16-006. The motion passed 4 to 1. (Eick, Lyons, Miller, Todoroff in favor, Wolf opposed).

October 6, 2016, Washoe County Board of Adjustment. After conducting a public hearing and taking public testimony, the Board of Adjustment, by unanimous vote, approved with conditions, the reduction of the front yard setbacks on all three front yards; to allow a second floor addition above the garage and to allow additional plumbing fixtures in the garage structure.

As noted in the Summary section of this staff report, the Board of Adjustment also moved to continue the request to vary the side yard setback until the Board of Adjustment's meeting on December 1, 2016, so staff could correct the legal description and re-notice this portion of the request. The applicant requested that the item be continued until the February 2, 2017 meeting, as both he and his architect were not available in December. The motion was changed to continue the item to February 2, 2017.

February 2, 2017, Washoe County Board of Adjustment. After conducting a public hearing and taking public testimony, the Board of Adjustment, by unanimous vote, approved with conditions, the reduction of side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor addition; and to reduce the side yard setback from 8 feet to 7 feet for the detached garage.

BACKGROUND

The appellant is requesting that the approval of the variance be reversed, and that "County Rules" be followed. The appellant claims:

1. This is a second residence and requires a special use permit.
2. The Development Code (WCC Chapter 110) states that slopes between 15% and 30% are moderate slopes, therefore a 16% slope is not a steep slope and not a hardship.
3. The applicant knew his lot was under sized when he bought it, so there is no special circumstance.
4. The driveway is only 10 feet deep and the approval of the variance will create parking and safety problems.
5. A large Sugar Pine tree will be cut down.
6. The applicant will be granted special privileges that other property owners do not enjoy.

The following items provide background on the requested variance and its relationship to both the Development Code and the Washoe County Master Plan (Tahoe Area Plan):

a. The accessory structure is a garage with a guest room above and a laundry room and office below.

b. The Tahoe modifiers state that when a structure is built at or below grade, it is permitted to have a below grade story, the variance request includes adding a second story above the garage.

c. There is no fourth floor. The "loft" as identified on the building elevations is the attic area. There are no stairs to the loft.

d. The accessory structure does not have a kitchen; therefore it is not a dwelling as defined by Washoe County Development Code. Therefore a Special Use Permit for an accessory dwelling is not required.

e. The accessory structure is required to be deed restricted so as to not be used as a second dwelling or rental unit. The family is permitted to use the space for their own enjoyment.

f. The approval of a 2 car garage located a minimum of 15 feet from the street provides four off-street parking spaces for the property, decreasing the need to park on the street.

g. All Washoe County Area Plans include a Development Suitability Map which identify wet lands, flood plains, slopes of 15% and 30% or greater. While the development code classifies slopes between 15% and 30% as moderate, it is referring to the topography, not the ability to build on a slope. Article 424 Hillside Development discourages building on slopes over 30%.

h. Washoe County does not have regulations regarding the protection of trees. The property owner will have to apply to the Tahoe Regional Planning Agency (TRPA) or its designated agency to obtain approval and permits for removal of any tree over 14 inches in diameter.

i. The split rail fence does not impact the Intersection Visibility triangle identified in Article 412 Landscaping.

j. The fence is located in the front yard setback so a fence permit is required. Staff spoke with the applicant and he obtained a fence permit.

Public Participation

The Nelson's Appeal application alleges that staff ignored their objections to the variance, did not correspond with the Nelsons, did not make material available to them, and that the Nelsons did not receive proper notice. The following are staff responses to address their comments within the appeal application.

On Tuesday, September 13, 2016, Mrs. Nelson emailed staff assigned to the Variance case (Eva Krause). Later that day Mrs. Nelson and staff spoke on the phone. Staff stated that the hardships that the Nelsons claims do not exist on the Eget's property are the same hardships the Nelsons provided when requesting their variance. Staff also said a site visit would be done and the fence location on the property verified. Staff never said the Nelson's concerns did not matter.

On Monday, September 26, 2016, staff received an email from Mrs. Nelson stating that they just found out about the CAB meeting that evening. Staff responded to their email on that same day addressing the Nelson's concerns:

- The date of the CAB meeting was noted on the Courtesy Notice that they received and the CAB agenda was posted 10 days before the meeting at various locations in Incline Village and Crystal Bay.
- The letter submitted by the Nelsons to staff is included in the staff report to the Board of Adjustment.
- The Nelsons received a legal notice of the public hearing before the Board of Adjustment meeting.
- Staff did a site inspection and verified the fence location. The fence is not located in the Intersection Visibility triangle as set forth in WCC Section 110.412.30(c).
- The staff report was available on the County webpage by Friday, September 30, 2016. Staff later corrected that date to Wednesday, September 28, 2016 (A full week before the October 6, 2016 BOA public hearing.).

On Thursday, October 6, 2016 (the date of the Board of Adjustment meeting), Mr. Elmore, the Nelson's legal representative sent two emails to staff:

- The first email was sent at 11:28 a.m. (the Board of Adjustment meets at 1:30 p.m.) Attached was a letter from the Nelsons to the Board of Adjustment. Staff forwarded the email to the Board of Adjustment members hoping that they would have a chance to read it prior to the meeting. Paper copies of the letter were provided to the Board of Adjustment members and the public at the meeting.
- The second email was sent at 12:13 p.m. This email included two links to an iCloud account. Each link containing several pages of pictures of cars. Staff was able to open the link to view the photographs, but was not able to print them from the link.
- Because the email with the pictures arrived so late on the day of the Board of Adjustment's meeting, staff was advised by the Planning Manager to inform Mr. Elmore of the Public Participation policies listed on the BOA agenda (extract appears below), and to inform Mr. Elmore that they must make copies of the pictures and submit them to the Board at the meeting.

  > **"Public Participation.** The Board of Adjustments' adopted Rules, Policies and Procedures are available on the website provided on the next page or by contacting the Planning and Development Division.
  >
  > At least one copy of items displayed and at least ten copies of any written or graphic material for the Board's consideration should be provided to the Recording Secretary. Materials longer than one page in length submitted within six days of the Board of Adjustment meeting may not be considered by the Board in their deliberations. Subject to applicable law and the Board's Rules, Policies and Procedures, public comment or testimony may be submitted to the Board in written form for its consideration. However, the Board is not required to read written statements aloud during the meeting."

Copies of emails cited above are included as attachments to this staff report.

Objection to Legal Notice

On February 1, 2017, the Nelson's filed a separate object to the legal notice for the February 2, 2017 public hearing. The objection states that the notice did not describe what the true nature and full extent of the construction is.

On January 20, 2017, a second public notice was mailed. The notice identified those items that the Board of Adjustment would be hearing at the February 2, 2017, public hearing.

On September 23, 2016, a public notice was mailed to the surrounding property owners for the October 6, 2016 public hearing for Variance Case VA16-006. The notice included a case description for most of the items requested. The notice miss stated that the addition was for a half bath and did not include the expansion of the second floor or the fact that the detached structure encroached into the side yard setback by one foot. The Board of adjustment approved those portions of the request that were properly noticed, and continued the public hearing for those items that were not properly noticed.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board of County Commissioners affirm the Board of Adjustment's approval of Variance Case VA16-006.

POSSIBLE MOTION

Should the Board agree with the Board of Adjustment's approval of Variance Case Number VA16-006; staff offers the following motion:

> "Move to affirm the Board of Adjustment's approval of Variance Case Number VA16-006 (Jeffery Eget) for the property at 45 E. Tuscarora Road, Crystal Bay, NV (APN 123-136-02) to: 1) reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck; 2) reduce the side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor additions; 3) reduce the front yard setback along Teresa Court from 20 feet to 10 feet, reduce the front yard setback along Tuscarora Road from 20 feet to 8 feet and reduce the side yard setback from 8 feet to 7 feet for a detached accessory structure to be used as a garage; 4) permit a second story above the garage; 5) allow additional plumbing fixtures in the accessory structure; and, 6) deny Appeal Case AX16-007 (Brian and Terry Nelson)."

Should the Board disagree with the Board of Adjustment's approval of Variance Case Number VA16-006; staff offers the following motion:

> "Move to reverse the Board of Adjustment's approval of Variance Case Number VA16-006(Jeffery Eget) for the property at 45 E. Tuscarora Road, Crystal Bay,

NV (APN 123-136-02), and approve Appeal Case Number AX16-007 (Brian and Terry Nelson). This approval of the appeal is based on the Board's review of the written materials and oral testimony at the public hearing. The following finding(s) cannot be made by this Board and, therefore, support this appeal:"

[Select one or more of the following required findings for a Variance which the Board cannot make in order to support the approval of the appeal]

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;
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;
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;
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.

Attachments:

A – February 3, 2017, Board of Adjustment Action Order
B – February 2, 2017, Board of Adjustment Staff Report
C– October 10, 2016, Board of Adjustment Action Order
D – October 6, 2016, Board of Adjustment Staff Report
E – Appeal Application
F – February 2, 2017, Board of Adjustment Minutes
G – October 6, 2017, Board of Adjustment Minutes
H – Incline Village/Crystal Bay Citizen Advisory Board Summary
I – Correspondence
J – Email Correspondence from appellant discussed in staff report
K– Nelson's Objection to Legal Notice

Appellant:	Brian and Terry Nelson, PO Box 1374, 464 Teresa Court, Crystal Bay, NV 89402,
Applicant/Property Owner:	Jeffery D. Eget, 3651 Goodland Drive, Studio City, CA 91604
Representative:	Borelli Architecture, P.O. Box 6823, Incline Village, NV 89450

WASHOE COUNTY
Planning and Development
INTEGRITY COMMUNICATION SERVICE

Community Services Dept.
P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-6133

Board of Adjustment Action Order

Variance Case Number VA16-006

Decision:	Approval with Conditions
Decision Date:	February 2, 2017
Mailing/Filing Date:	February 6, 2017
Property Owner:	Jeffery D. Eget
Assigned Planner:	Eva M. Krause, AICP, Planner Washoe County Community Services Department Planning and Development Division
Phone:	775.328.3628
E-Mail:	ekrause@washoecounty.us

Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor additions; and 2) to reduce the side yard setback from 8 feet to 7 feet for the detached garage.

- Applicant/Owner: Jeffery D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19, T16N, R18E, MDM, Washoe County, NV

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 804. If no appeals have been filed within 10 calendar days after the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.

The action was based on the following findings in accordance with Washoe County Development Code Section 110.804:25:

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;
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;
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;
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.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Division.

Washoe County Community Services Department
Planning and Development Division

_____
Carl R. Webb, Jr.
Secretary to the Board of Adjustment

CW/EK/df
Attachments: Conditions of Approval

Property Owner: Jeffery D. Eget
3651 Goodland Drive
Studio City, CA 91604

Representatives: Borelli Architecture
P.O. Box 6823
Incline Village, NV 89450

Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke, Assessor's Office; Leo Vesely, Engineering Division; North Lake Tahoe Fire Protection District; 866 Oriole Way, Incline Village, NV 89451-9439; Incline Village/Crystal Bay Citizen Advisory Board; Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village, NV 89451

Conditions of Approval

Variance Case Number: VA16-006

The project approved under Variance Case Number VA16-006 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on February 2, 2017. The Board approved variance to: 1) to reduce the side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor additions; and 2) to reduce the side yard setback from 8 feet to 7 feet for the detached garage. 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.

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 – Eva M. Krause, 775.328.3628, ekrause@washoecounty.us

   a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance.

   b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.

   c. 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.

   d. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless Agreement, for all structures within a front yard setback, with the District Attorney's Office for the purposes of road maintenance and snow removal. The applicant shall submit a copy of the recorded document with the building permit application.

   e. Prior to issuance of a building permit for the detached accessory structure the applicant shall execute a Deed Restriction And Covenant Against Use Of Detached Accessory Structure As A Detached Accessory Dwelling Where Structure Is Connected To Water Or Wastewater Facilities

   f. The applicant shall install an automatic garage door opener prior the issuance of a Certificate of Occupancy or building permit final sign-off.

   g. If more than 50% of the existing cabin is taken down for a remodel or rebuild than the portion of the deck and the storage area that encroaches into the front yard setback shall be removed.

   h. The detached accessory structure shall not be located closer than 15 feet from the edge of pavement of the abutting street, and the floor area of each level of the structure shall not exceed 576 square feet.

   i. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.

*** End of Conditions ***

Board of Adjustment Staff Report

Meeting Date: February 2, 2017

Subject:	Variance Case Number VA16-006
Applicant:	Jeffery D. Eget
Agenda Item Number:	**8D**
Project Summary:	To continue the public hearing from October 6, 2016 to consider the request to vary the side yard setback from 8 feet to 5 feet for a first floor addition on the main house; to expand the second floor to be in-line with the existing and proposed additions; and to reduce the side yard setback from 8 feet to 7 feet for the detached garage.
Recommendation:	**Approval with Conditions**
Prepared by:	Eva M. Krause - AICP, Planner Washoe County Community Services Department Planning and Development Division
Phone:	775.328.3628
E-Mail:	ekrause@washoecounty.us

Description

Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor additions; and 2) to reduce the side yard setback from 8 feet to 7 feet for the detached garage.

- Applicant/Owner: Jeffery D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19, T16N, R18E, 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 WCC 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.

The conditions of Approval for Variance Case Number VA16-006 are attached to this staff report and if the application is approved by the Board of Adjustment, will be included with the Action Order.

Previous Actions

On October 6, 2016, the Board of Adjustment heard Variance Case Number VA16-006. During that meeting the applicant informed staff that a portion of their request was misstated in the legal notice and in the staff report. Both the notice and the staff report stated that the five foot side yard setback was for a half bath addition.

The applicant's request was actually for an approximately 68 square foot addition on the first floor to remodel the kitchen and bathroom, and to expand the second floor bedroom above the bathroom constructed in 1999 and the proposed new addition.

In addition, the applicant is also requesting to reduce the side yard setback by one foot for the detached garage. Please note that the garage will be located approximately 5 feet from the adjoining property line in the front yard, but because of the way the front yard is defined there is no side yard in the front yard.

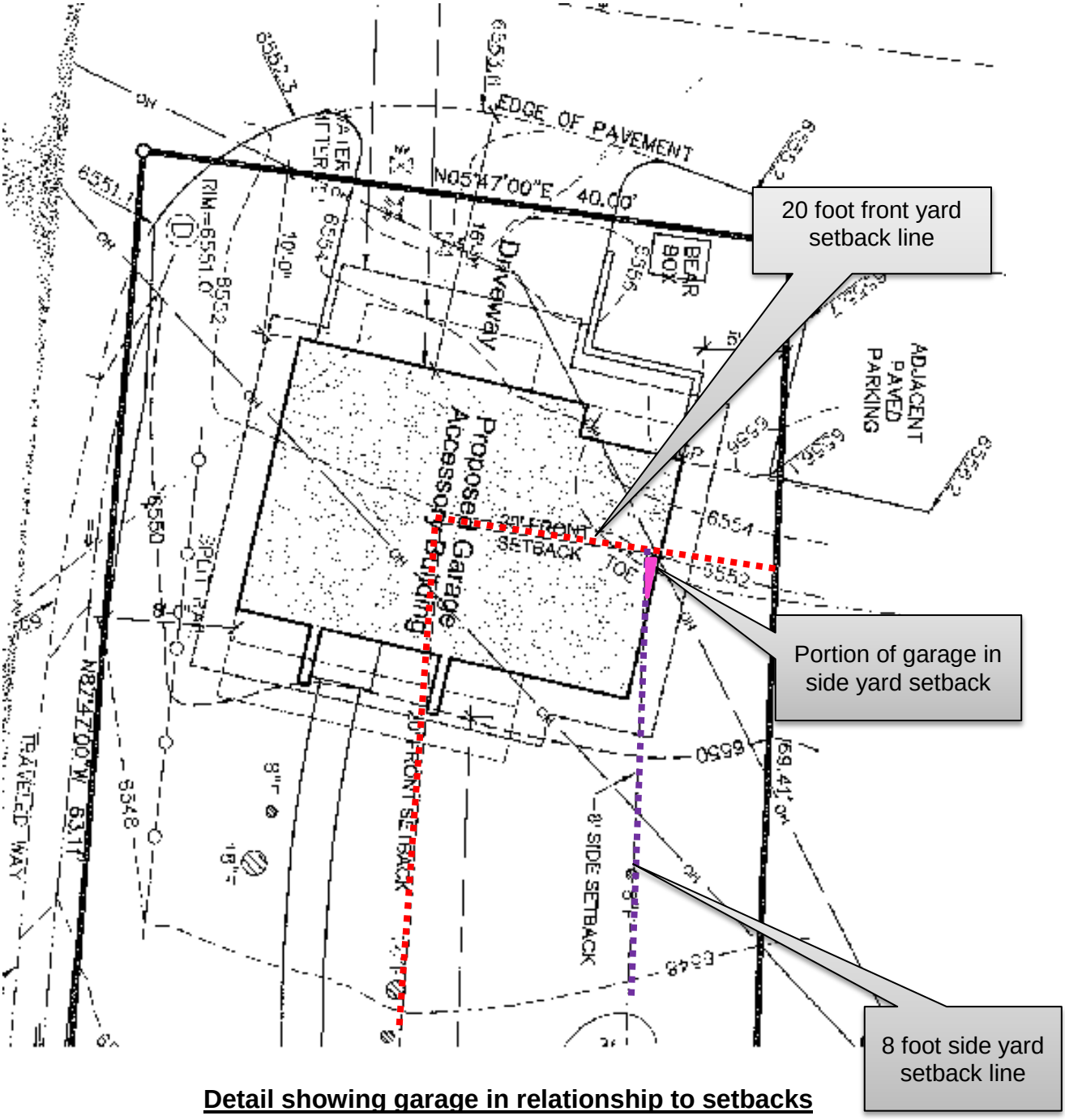
Washoe County Code 110, Article 902 Definitions:

> "Front yard" means a yard lying between the setback line and the front lot line and extending across the full width of the lot or parcel. In the case of either a corner lot or an interior lot with multiple street frontages, all yards abutting streets, other than collectors or arterials, shall be considered as front yards.
>
> "Side yard" means a yard lying between the setback line and the side lot line and extending from the front yard line to the rear yard line.

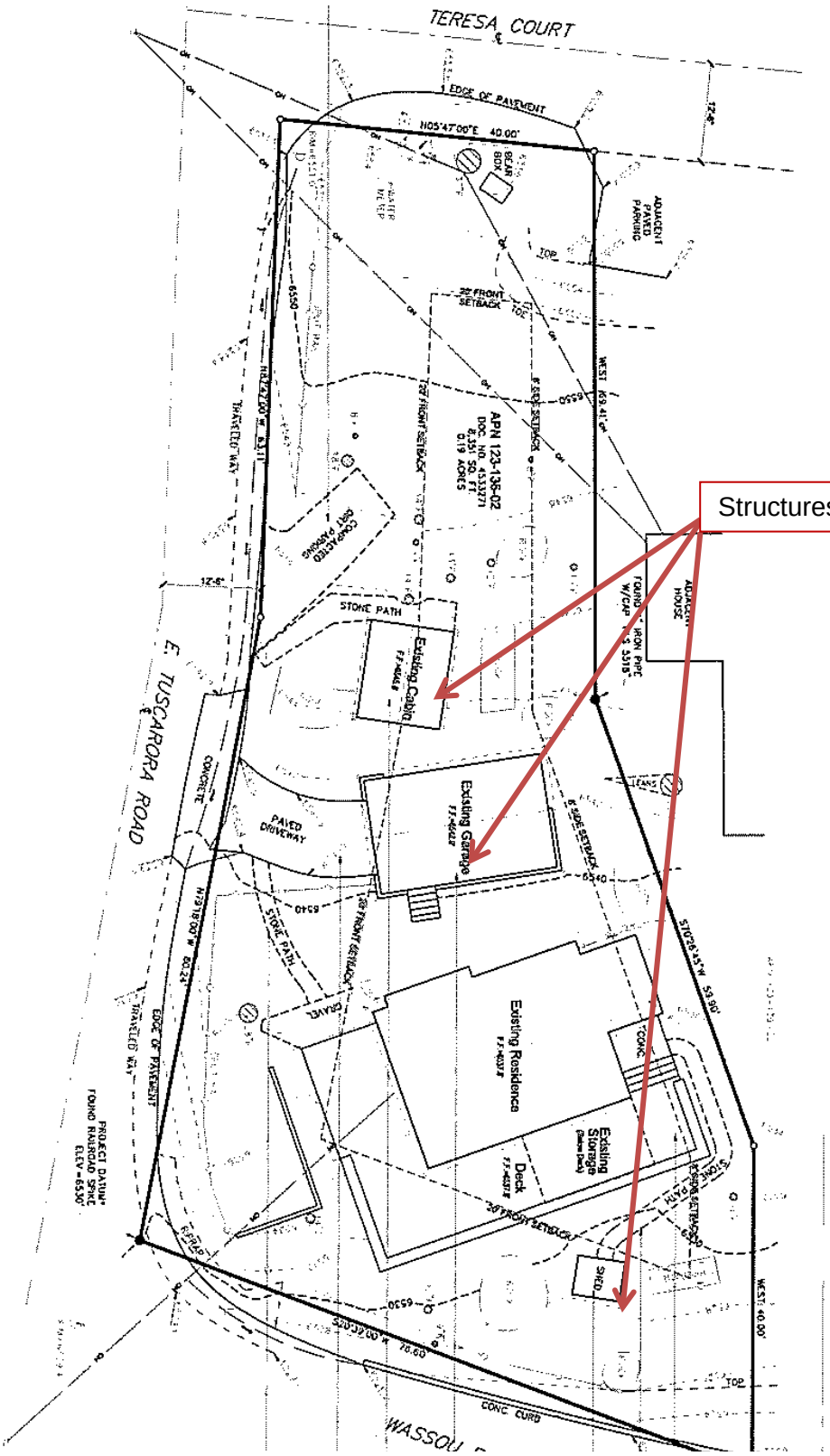
The applicant requested that the Board rule on those portions of the variance that were correctly noticed, and continue the public hearing for the side yard setback variance until February 2017, so the requested variance could be properly re-noticed.

The Board approved the variance:

1) to reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck;
2) to reduce the front yard setback along Teresa Court from 20 feet to 10 feet and the front yard setback along Tuscarora Road from 20 feet to 8 feet for the detached accessory structure;
3) to permit a second story above the garage; and,
4) to allow additional plumbing fixtures in the accessory structure.

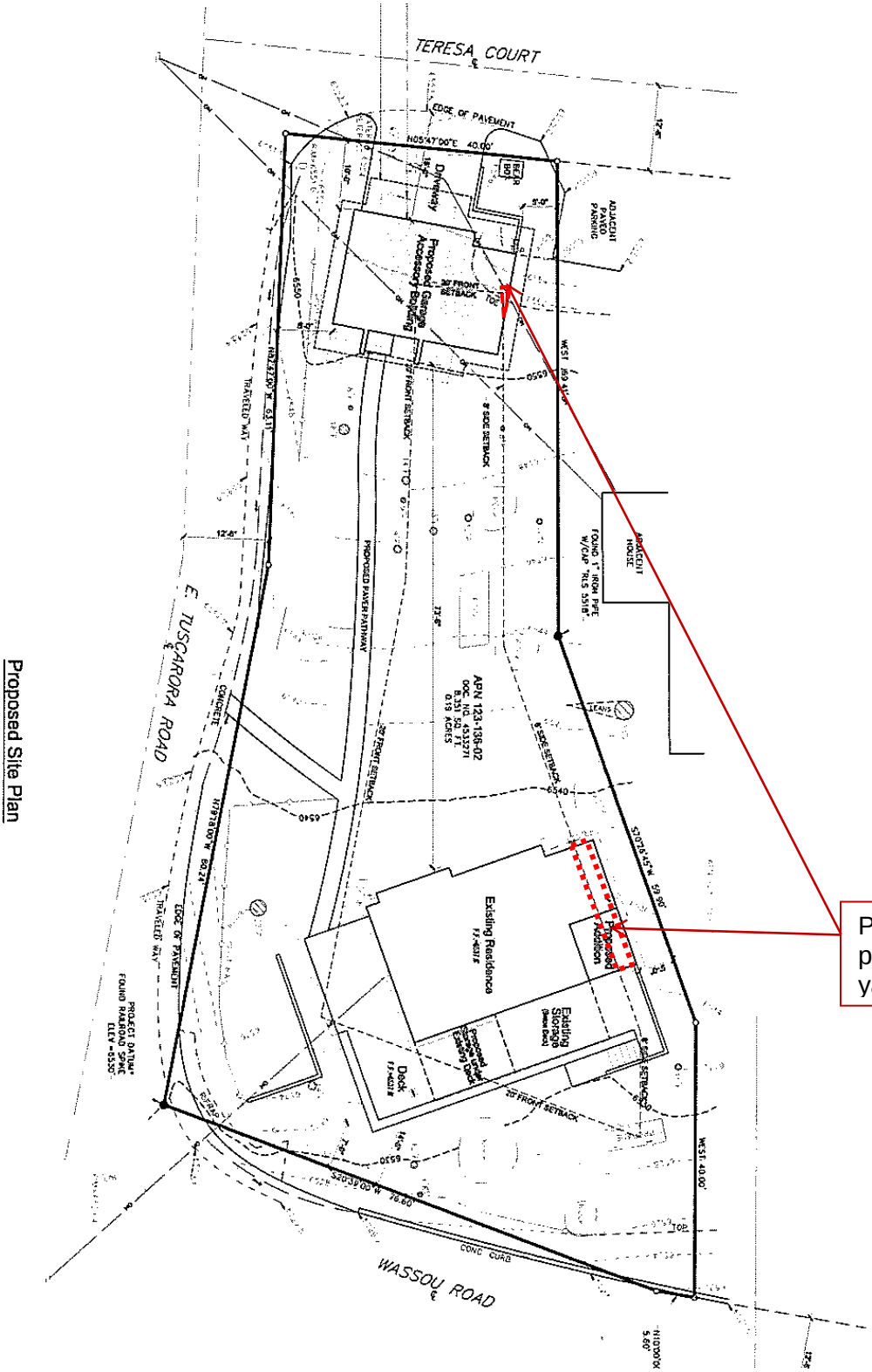


Detail showing garage in relationship to setbacks



Existing Site Plan

Existing Site Plan



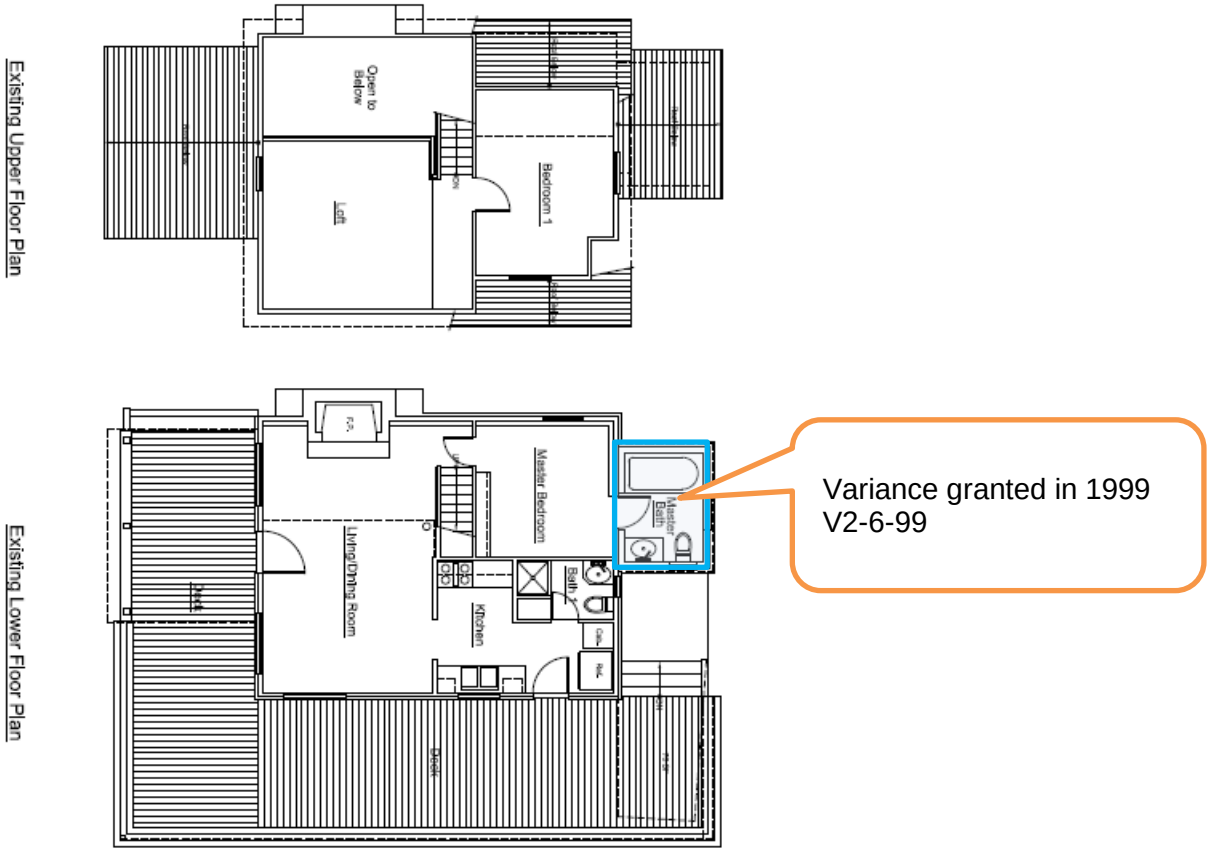
Proposed Site Plan

Portion of Structures proposed in the side yard setback

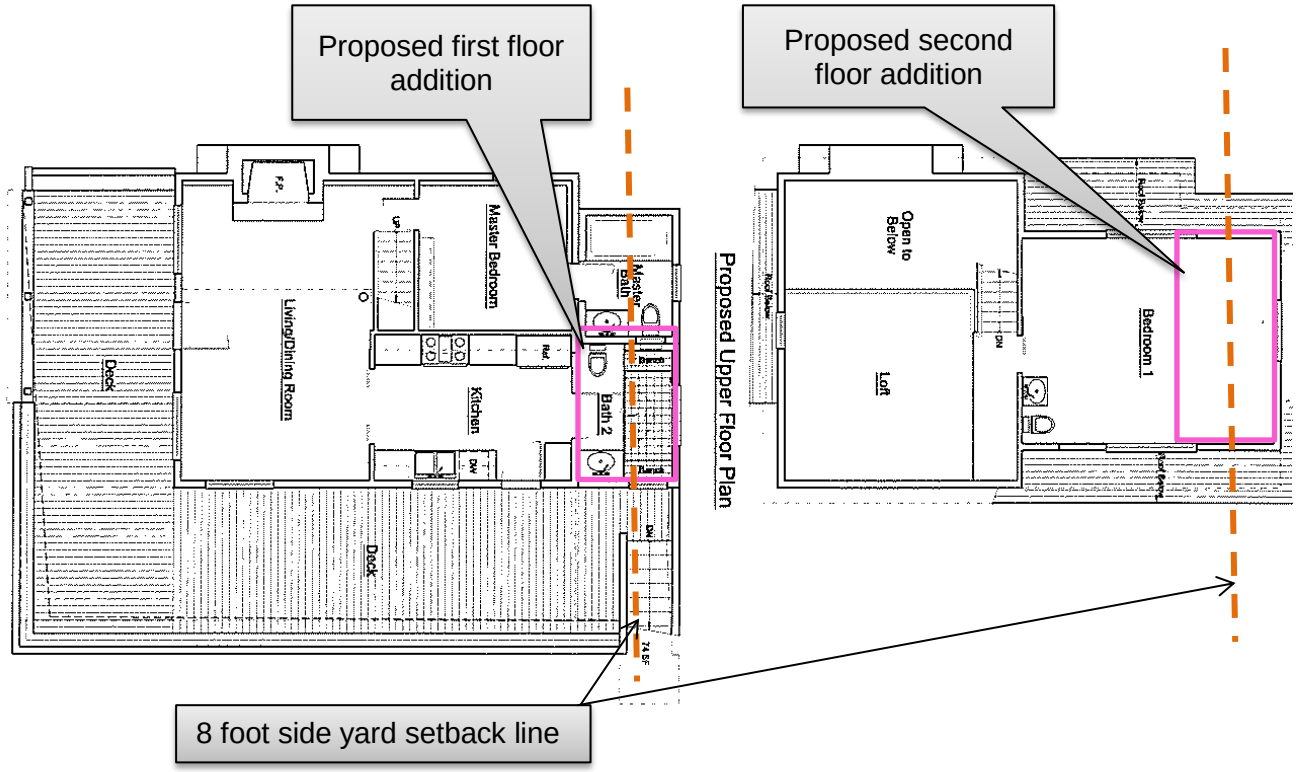
Proposed Site Plan

Project Evaluation

The applicant owns a small parcel located in the Crystal Bay Park, Unit Number 2 an unofficial subdivision. The subdivision was created in the 1930's as a summer cabin neighborhood. The lots are small, the streets are narrow and many streets have grades in excess of 6% (the current allowable maximum grade standard for residential streets). Over the years most of the cabins have been torn down and replaced with larger homes. The applicant owns one of the very few remaining cabins in the area. The 720 square foot cabin was built in 1936. A bunkhouse was added in 1939. In 1999, a variance was granted to add a 60 square foot addition on the cabin in the side yard setback for a bathroom addition and to build the garage in the front yard setback. In addition, the variance acknowledged the existence of the bunkhouse as an established use within the front yard setback.



Existing Cabin Floor Plans



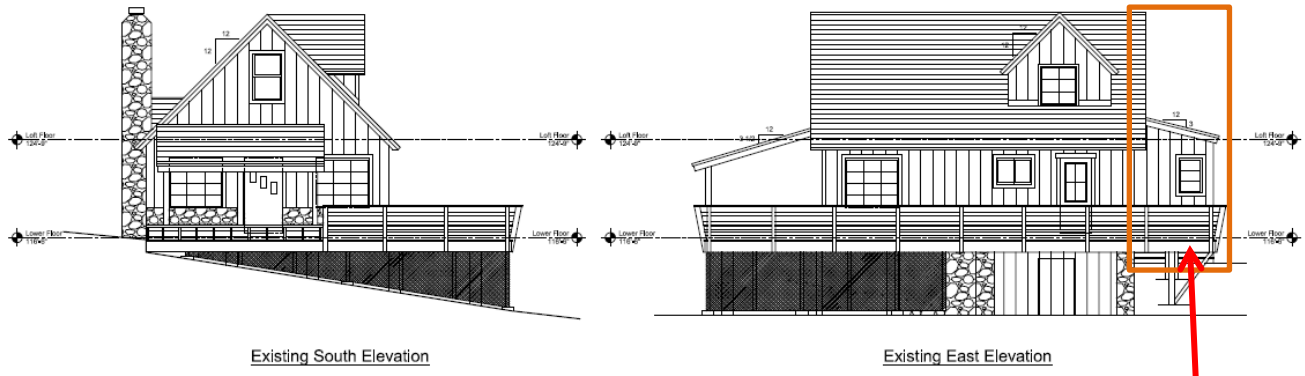
Proposed Cabin Floor Plans

Rather than tearing down the cabin and building a new home, the applicant would like to maintain the cabin close to its original state, making only minimal changes. The applicant is proposing to extend the 1999 addition the full length of the house to remodel the kitchen and bathroom, and to add on to the second story above the existing and proposed addition. The current bathroom off the kitchen was custom built to fit a small corner sink and toilet and a narrow shower stall in a small space. The new addition would add 64 square feet to the first floor and increase the second floor by 128 square feet.

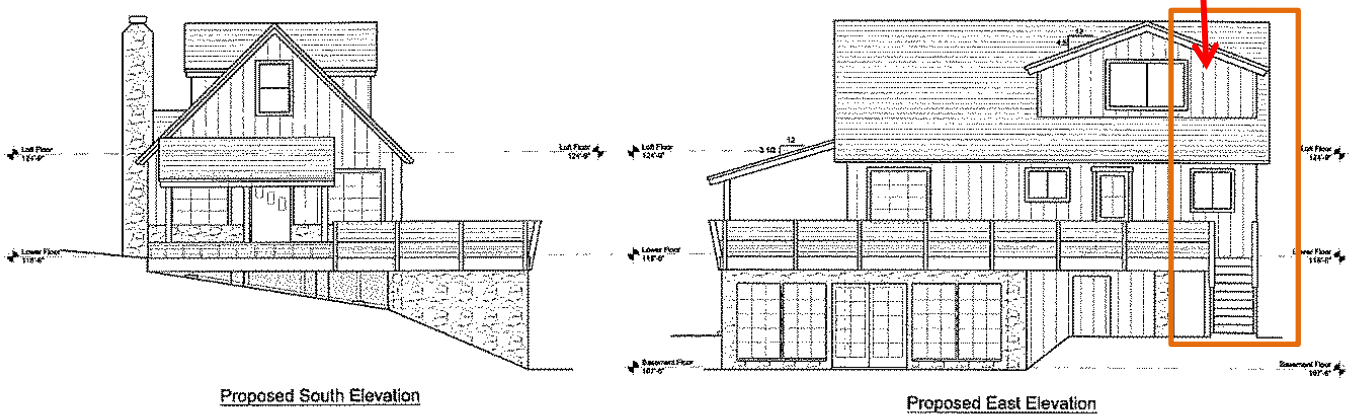
Due to the slope of the property and because the Eget's cabin is located further down the slope than the Minicozzi's home (the next door neighbor) the proposed addition does not impact the views from the neighbor home.

Photo of the addition approved by Variance Case Number VA2-6-99

The applicant is requesting to build an addition in the area between the addition and the deck and to extend the second story to be in-line with the additons. See existing and proposed elevation on next page.



Cabin Elevations (Existing)



Cabin Elevations (Proposed)

Hardships

Exceptional narrowness and shape of the property

The applicant's property was originally a rectangular shape approximately 40 feet wide by 143 feet deep. The house that was built in 1936 was built over the property lines, so the boundary line on the east end of the lot (abutting Wassou Road) was adjusted so the house was no longer straddling the property line. This made the east end of the property 61 feet wide. While the east end of the property is wider than the west end, the buildable area is still relatively narrow. Even with the boundary line adjustment the house, the deck, and both accessory buildings encroach into the setbacks.

Exceptional situation or condition of the property

Because the property is located on the end of the block, three sides of the property are designated as front yards, with a setback of 20 feet and one side yard setback of 8 feet. The buildable area is 12 feet wide on approximately half of the lot. The lot then widens from 12 feet

to 33 feet on the east half of the property where the cabin is located. The buildable area on the east half of the property tapers from 12 feet to 33 feet on the most eastern end.

No Special Privileges

The Tahoe Area Plan Modifier that limits plumbing fixtures in accessory structures to one toilet and one sink is inconsistent with the limitations upon other properties within the identical regulatory zones in the rest of the County.

Reviewing Agencies

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

- Washoe County Community Services Department
  - Planning and Development Division
  - Engineering and Capital Projects Division
  - Parks and Open Spaces
- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division
- North Lake Tahoe Fire Protection District
- Incline Village General Improvement District
- Regional Transportation Commission

Of the eight above listed agencies/departments, only Planning and Development provided comments and/or recommended conditions of approval in response to their evaluation of the project application. The Conditions of Approval document is attached to this staff report as Exhibit A and will be included with the Action Order if the Board of Adjustment approves the application.

- Washoe County Planning and Development recommends requiring a deed restriction prohibiting conversion of the accessory structure to a dwelling unit; relocating the sauna; and requiring holding the County harmless from damages that may occur during snow removal and road widening, maintenance, or utility work.

  Contact: Eva M. Krause, 775.328.3628, ekrause@washoecounty.us

Staff Comment on Required Findings

Washoe County Code Section 110.804.25 requires that all of the following findings be made to the satisfaction of the 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 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: The property is exceptionally narrow and steeply sloped. In addition, three sides of the property are encumbered with front yard 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: A garage located within 5 feet of the north side property line and the reduction of the side yard setback to 5 feet does not create a substantial detriment or impact the public good.

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: The minimum lot width for a property in the Medium Density Suburban regulatory zone is 80 feet. Due to the narrowness of the lots in the Crystal Bay Park subdivision, many of the properties have been granted a reduction of the side yard setbacks. Granting a five foot setback variance is common on narrow lots.

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: All the proposed structures and uses are allowed within the Medium Density Suburban regulatory zone.

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 are no military installations within the required noticing area; therefore the board is not required to make this finding.

Recommendation

One reviewing agency recommended conditions in support of approval of the project and the other reviewing agencies had no comment. Therefore, after a thorough analysis and review, Variance Case Number VA16-006 is being recommended for approval with conditions. 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 approve Variance Case Number VA16-006 for Jeffery D. Eget, with the conditions of approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County Code Section 110.804.25:

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;
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;
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;

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.

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 and mailed to the original applicant, 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 and mailed to the original applicant.

Property Owner:	Jeffery D. Eget 3651 Goodland Drive Studio City, CA 91604
Representatives:	Borelli Architecture P.O. Box 6823 Incline Village, NV 89450

Attachment C

WASHOE COUNTY
Planning and Development
INTEGRITY COMMUNICATION SERVICE

Community Services Dept.
P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-3600
Fax: (775) 328-6133

Board of Adjustment Action Order

Variance Case Number VA16-006

Decision:	Approval with Conditions
Decision Date:	October 6, 2016
Mailing/Filing Date:	October 10, 2016
Property Owner:	Jeffery D. Eget
Assigned Planner:	Eva M. Krause, AICP, Planner Washoe County Community Services Department Planning and Development Division
Phone:	775.328.3628
E-Mail:	ekrause@washoecounty.us

Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck; 2) to reduce the north side yard setback from 8 feet to 5 feet to allow for a half bath addition on the house and deck rebuild on the existing residence; 3) to reduce the front yard setback along Teresa Court from 20 feet to 10 feet and the front yard setback along Tuscarora Road from 20 feet to 8 feet for a detached accessory structure to be used as a garage; 4) to permit a second story above the garage; and 5) to allow additional plumbing fixtures in the accessory structure.

- Applicant/Owner: Jeffery D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19, T16N, R18E, MDM, Washoe County, NV

NOTE: request #2 above has been continued to the Board of Adjustments tentatively scheduled February 2, 2017 meeting due to a clerical error.

Notice is hereby given that the Washoe County Board of Adjustment granted approval with conditions for the above referenced case number based on the findings in accordance with Washoe County Development Code Article 804. If no appeals have been filed within 10 calendar days after the Mailing/Filing Date shown on this Action Order, the approval by the Washoe County Board of

Adjustment is final. If filed, an appeal stays any further action on the decision until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912 of the Washoe County Development Code.

The action was based on the following findings in accordance with Washoe County Development Code Section 110.804:25:

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;
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;
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;
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.

This Action Order is issued subject to the attached conditions and Washoe County development standards. Please contact the planner assigned to your project at the above-referenced phone number within 7 days of receipt of this Order to review the steps necessary to satisfy the Conditions of Approval. Any business license, certificate of occupancy, or final approval shall not be issued until all of the Conditions of Approval are satisfied. Additionally, compliance shall be required with all federal, state, and local statutes, ordinances, and regulations applicable to the approved project.

This Action Order does not authorize grading or building without issuance of the necessary permits from the Washoe County Building and Safety Division.

Washoe County Community Services Department
Planning and Development Division

for Carl Hewitt
William Whitney
Secretary to the Board of Adjustment

WW/EK/df
Attachments: Conditions of Approval

Property Owner: Jeffery D. Eget
3651 Goodland Drive
Studio City, CA 91604

Representatives: Borelli Architecture
P.O. Box 6823
Incline Village, NV 89450

Action Order xc: Nathan Edwards, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke, Assessor's Office; Leo Vesely, Engineering Division; North Lake Tahoe Fire Protection District; 866 Oriole Way, Incline Village, NV 89451-9439; Incline Village/Crystal Bay Citizen Advisory Board; Incline Village General Improvement District, 893 Southwood Boulevard, Incline Village, NV 89451

Conditions of Approval

Variance Case Number: VA16-006

The project approved under Variance Case Number VA16-006 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on October 6, 2016. The Board approved variance to: 1) reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck; 2) reduce the front yard setback along Teresa Court from 20 feet to 10 feet and the front yard setback along Tuscarora Road from 20 feet to 8 feet for a detached accessory structure to be used as a garage; 3) permit a second story above the garage; and 4) allow additional plumbing fixtures in the accessory structure. 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.

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 – Eva M. Krause, 775.328.3628, ekrause@washoecounty.us

   a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance.

   b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.

   c. 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.

   d. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless Agreement, for all structures within a front yard setback, with the District Attorney's Office for the purposes of road maintenance and snow removal. The applicant shall submit a copy of the recorded document with the building permit application.

   e. Prior to issuance of a building permit for the detached accessory structure the applicant shall execute a Deed Restriction And Covenant Against Use Of Detached Accessory Structure As A Detached Accessory Dwelling Where Structure Is Connected To Water Or Wastewater Facilities

   f. The applicant shall install an automatic garage door opener prior the issuance of a Certificate of Occupancy or building permit final sign-off.

   g. If more than 50% of the existing cabin is taken down for a remodel or rebuild than the portion of the deck and the storage area that encroaches into the front yard setback shall be removed.

   h. The detached accessory structure shall not be located closer than 15 feet from the edge of pavement of the abutting street, and the floor area of each level of the structure shall not exceed 576 square feet.

   i. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.

*** End of Conditions ***

Attachment D

Board of Adjustment Staff Report

Meeting Date: October 6, 2016

Subject:	Variance Case Number VA16-006
Applicant:	Jeffery D. Eget
Agenda Item Number:	**8E**
Project Summary:	Vary the setbacks on all four sides of a property for an additions to the existing house and for a detached accessory structure used as a garage; permit a second story above the garage within a front yard setback; to permit additional plumbing fixtures in the garage structure; permit a bathroom addition on the house; and permit the construction of a storage room under the house deck
Recommendation:	**Approval with Conditions**
Prepared by:	Eva M. Krause - AICP, Planner Washoe County Community Services Department Division of Planning and Development
Phone:	775.328.3628
E-Mail:	ekrause@washoecounty.us

Description

Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the front yard setback along Wassou Road from 20 feet to 7 feet to allow for a storage room below the existing deck; 2) to reduce the north side yard setback from 8 feet to 5 feet to allow for a half bath addition on the house and deck rebuild on the existing residence; 3) to reduce the front yard setback along Teresa Court from 20 feet to 10 feet and the front yard setback along Tuscarora Road from 20 feet to 8 feet for a detached accessory structure to be used as a garage; 4) to permit a second story above the garage; and 5) to allow additional plumbing fixtures in the accessory structure.

- Applicant/Owner: Jeffery D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19, T16N, R18E, 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:

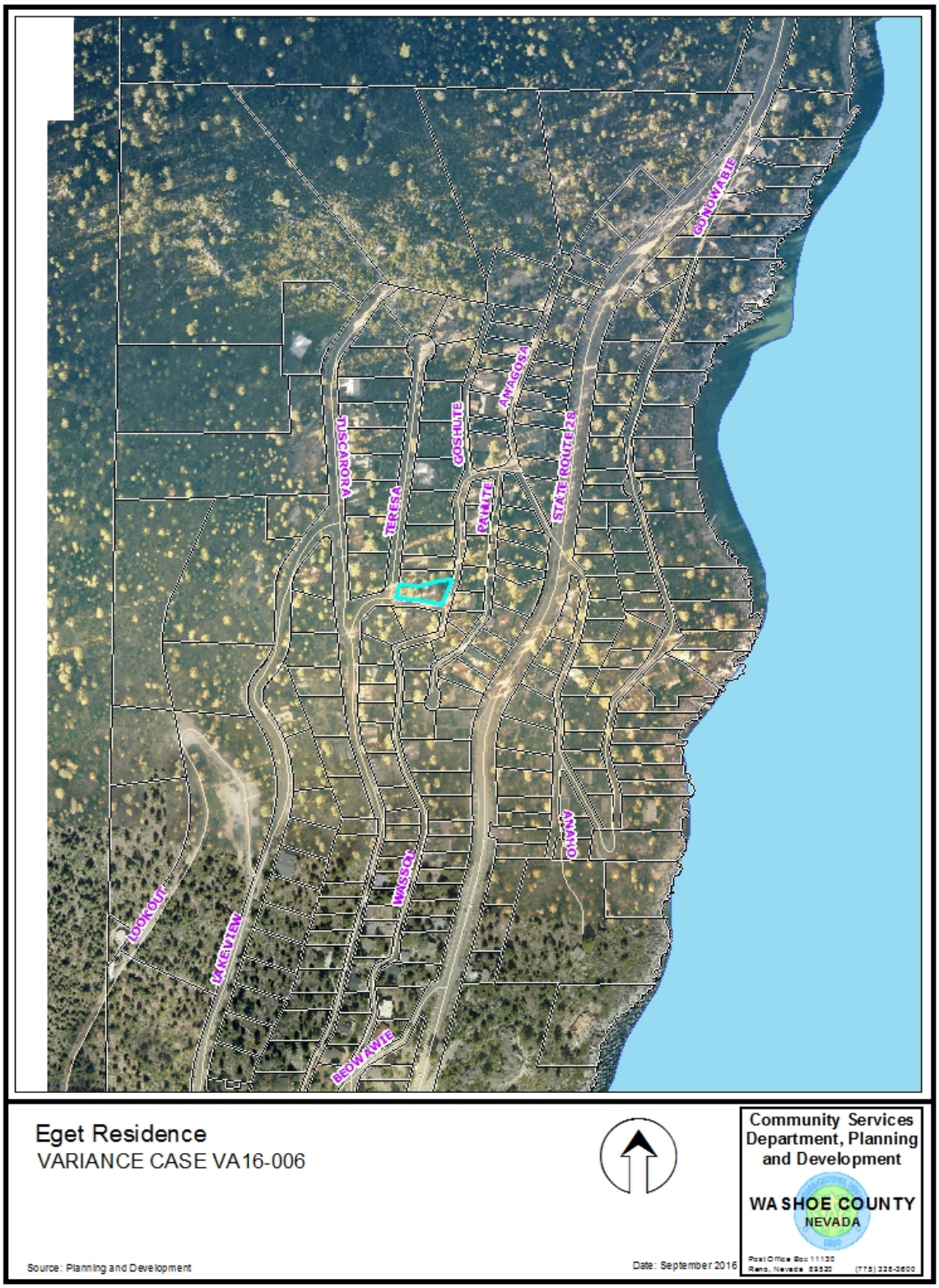
> Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application 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 WCC Section 110.804.25, the Board must make four findings which are discussed below.

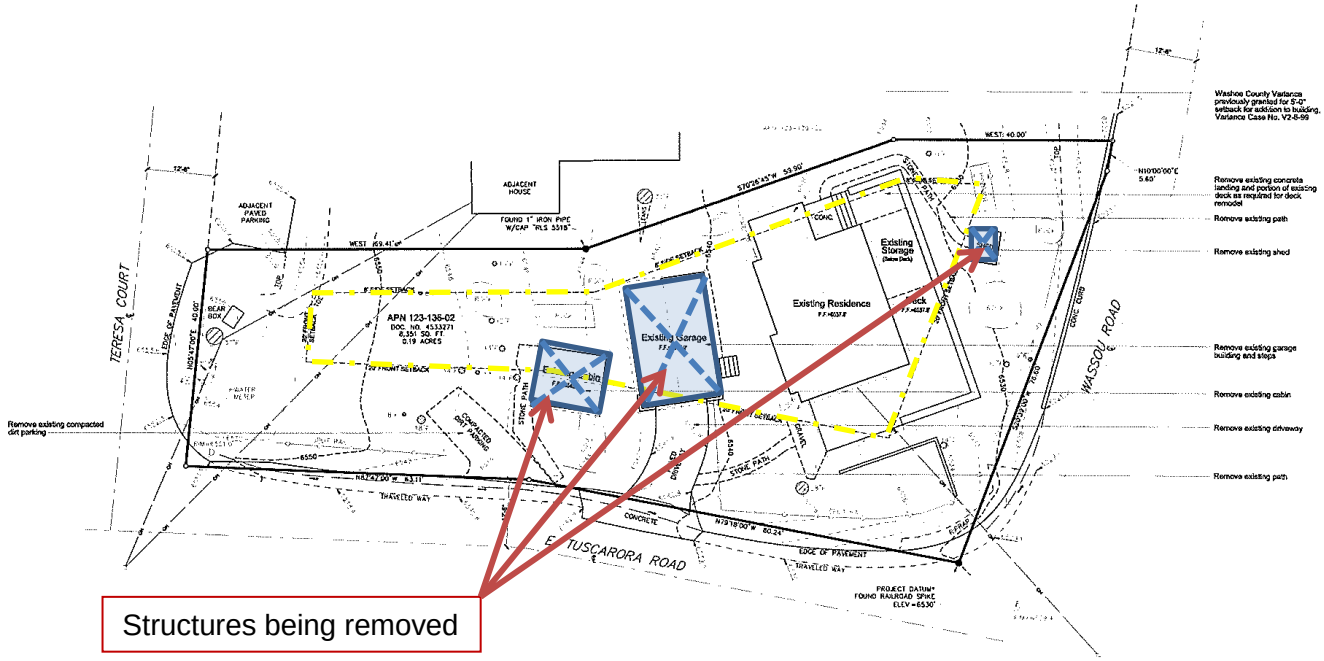
If the Board of Adjustment grants an approval of the Variance, that approval may be subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed during different stages of the proposed project. Those stages are typically:

- 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.

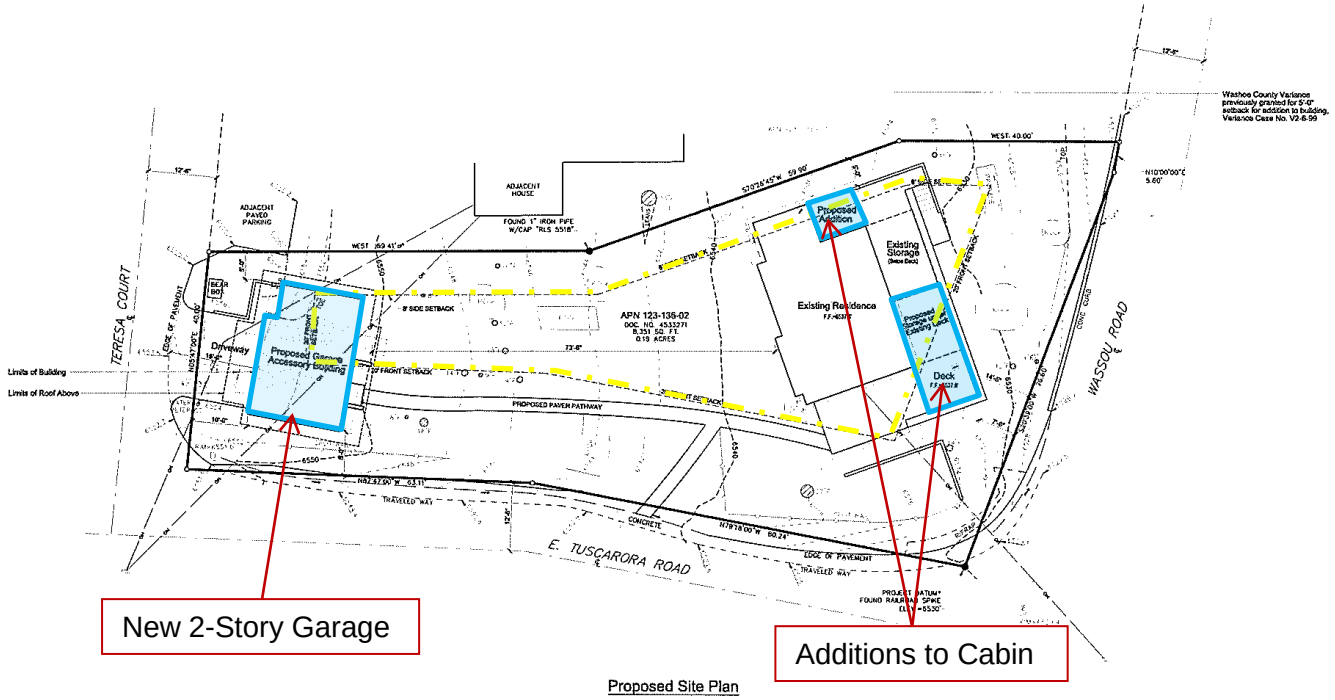
The conditions of Approval for Variance Case Number VA16-006 are attached to this staff report and if the application is approved by the Board of Adjustment, will be included with the Action Order.



Vicinity Map



Existing Site Plan



Proposed Site Plan

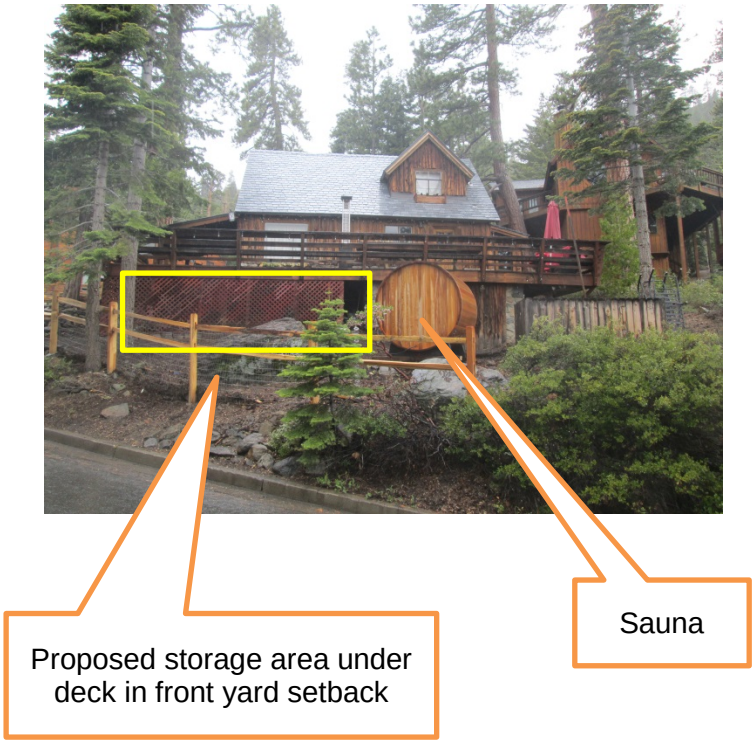
Site Plan

Project Evaluation

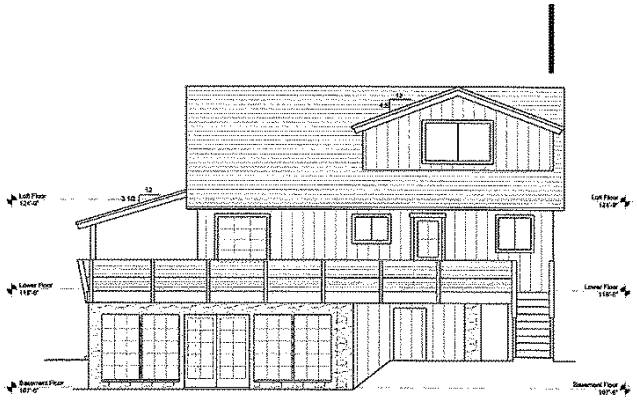
The applicant owns a small parcel located in the Crystal Bay Park, Unit Number 2 an unofficial subdivision. The subdivision was created in the 1930's as a summer cabin neighborhood. The lots are small, the streets are narrow and many have grades in excess of 6% (the current allowable maximum grade standard for residential streets). Over the years most of the cabins have been torn down and replaced with larger homes. The applicant owns one of the very few remaining cabins in the area. The 720 square foot cabin was built in 1936. A bunkhouse was added in 1939. In 1999, a variance was granted to add a 60 square foot addition on the cabin in the side yard setback for a bathroom addition and to build the garage in the front yard setback. In addition, the variance acknowledged the existence of the bunkhouse as an established use within the front yard setback.

Rather than tearing down the cabin and building a new home, the applicant would like to maintain the cabin close to its original state, making only minimal changes to make the bathroom more functional. The applicant is requesting a variance to add a small addition (approximately 65 square feet) in the side yard setback to enlarge an undersized bathroom. In addition, he is requesting to enclose the area below the deck in the front yard setback for a potting shed and storage area.

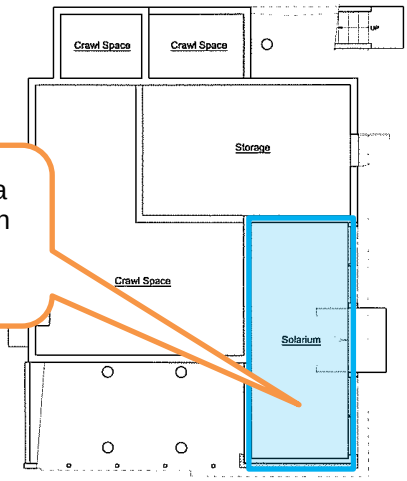
The existing deck encroaches into the front yard setback. Tahoe Area Plan Modifier Section 110.220.40 stipulates the deck is legal and conforming because it was built before 1990. Enclosing the area below the deck does not increase the encroachment into the setback. Staff recommends that, if approved, a condition be placed on the property that if more than 50% of the structure is taken down for remodeling in the future, the encroachment into the setback will be removed.



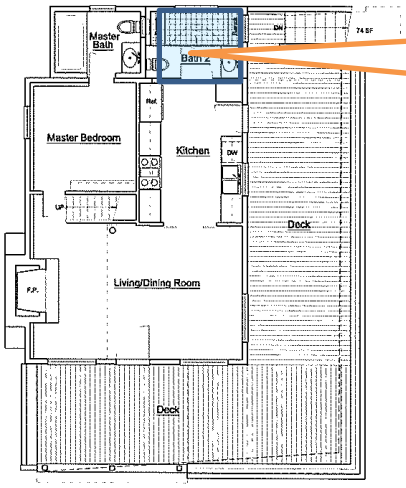
Proposed South Elevation



Proposed East Elevation



Proposed Basement Floor Plan



Proposed Lower Floor Plan

Storage area under deck in front yard setback

Bathroom addition in side yard setback

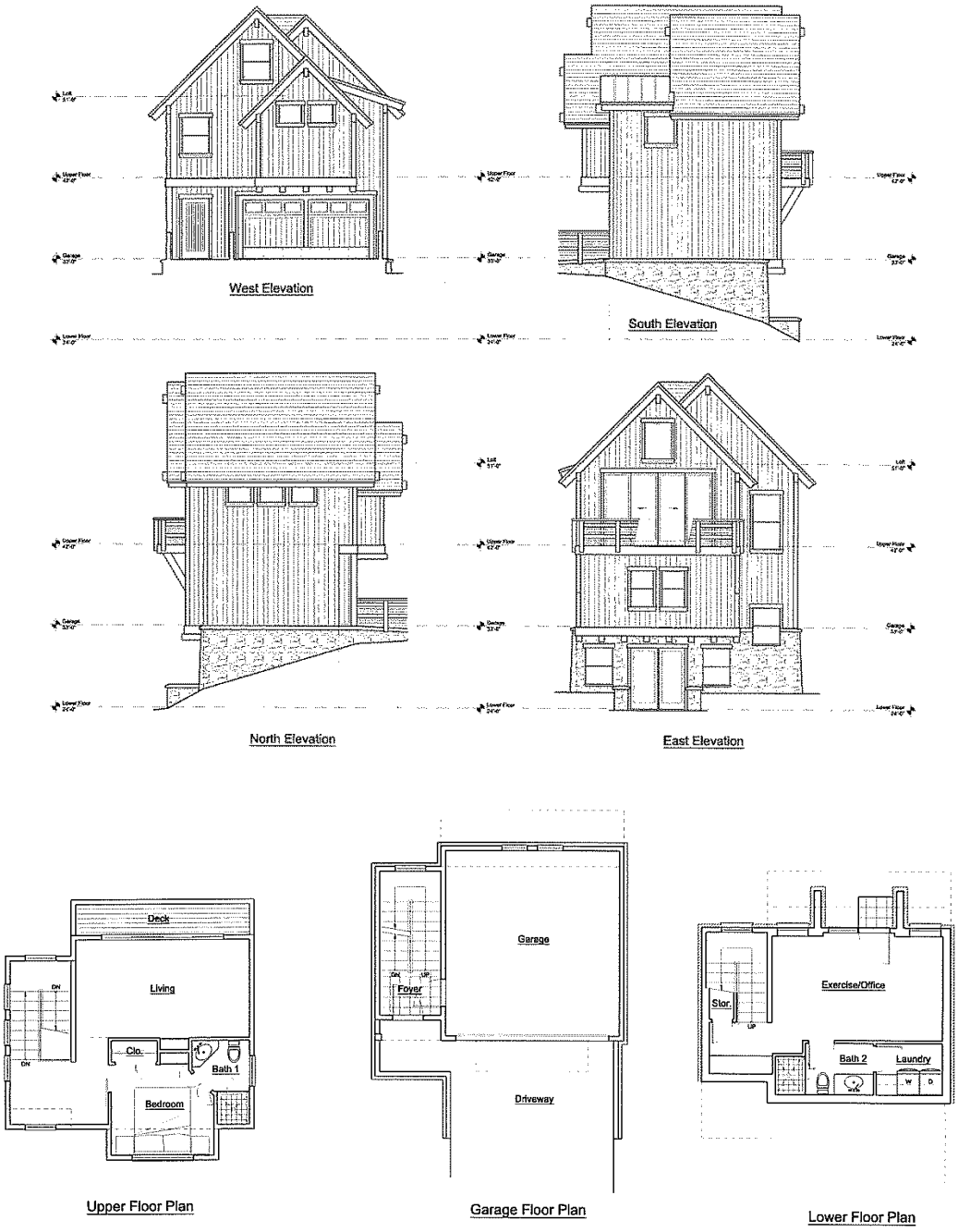
Cabin Elevations and Floor Plans

The applicant is also proposing to remove the bunk house and the one car garage along with the dirt parking area and paved driveway, and replace them with a detached accessory structure containing a 2-car garage, a second story guest room with a bathroom, and a lower level with a laundry and office containing a bathroom. This accessory structure is proposed to be relocated to the west end of the lot, so it can be accessed from Teresa Court. This location would make vehicle access easier and safer because the slope on Teresa Court averages 2% in front of the applicant's and the two neighboring properties. The proposed garage will have two enclosed parking spaces and two off-street parking spaces in front of the garage. If the accessory structure is located as proposed, having a second story above the garage would allow the applicant to take advantage of the views of the lake. Because the proposed garage is located in the front yard setback, staff recommends that the conditions normally applied to a detached structure use as a garage apply to this structure as well. Those conditions are:

1. The floor area of the garage (as well as the area below and above) is limited to 576 square feet (each level);
2. The structure be at least 15 feet from the edge of the road; and,
3. A hold harmless agreement for street maintenance and snow removal be recorded.

The applicant is also requesting to vary the standard for plumbing in the detached accessory structure. The Tahoe Area Plan Modifiers limit plumbing to one toilet and one sink. This was based on the County standard that stated an accessory structure could only have two plumbing fixtures. Because of the difficulty in enforcing this standard and a number of legitimate reasons the public had for wanting and/or needing more than two fixtures, staff was directed to review and possibly revise the code on this matter. On September 28, 2010, the Development Code was amended removing this restriction, replacing it with the requirement; accessory structures hooked-up to water and/or wastewater facilities record a deed restriction stating the structure will not be used as a dwelling unit.

While the Accessory Structures section of the Development Code was being amended, staff neglected to amend the language in the Tahoe Area Plan Modifier. Therefore, the restriction limiting plumbing fixtures to one sink and one toilet still applies to properties in the Tahoe Planning Area. The cabin does not have any laundry area so the applicant would like to install one in the level below the garage, and in order to make the guest room more comfortable and usable having a bathroom in the laundry/office area and a bathroom in the guest room is proposed. The applicant is requesting that the same standards for permitting plumbing fixtures in an accessory structure that applies to all other residential properties in Washoe County be applied to his property. If this requested variance is granted, staff recommends that the same deed restriction required for an accessory structure in other part of the County also apply to this property.



Garage Elevations and Floor Plans

Hardships

Exceptional narrowness and shape of the property.

The applicant's property was originally a rectangle approximately 40 feet wide by 143 feet deep. The house that was built in 1936 was built over the property lines, so the boundary line on the

east end of the lot (abutting Wassou Road) was adjusted so the house was no longer straddling the property line. This made the east end of the property 61 feet wide. While the east end of the property is wider than the west end, the buildable area is still relatively narrow. Even with the boundary line adjustment the house, the deck, and both accessory buildings encroach into the setbacks.

Exceptional situation or condition of the property.

Because the property is located on the end of the block, three sides of the property are designated as front yards, with a setback of 20 feet and one side yard setback of 8 feet. The buildable area is 12 feet wide on approximately half of the lot. The lot then widens from 12 feet to 33 feet on the east half of the property where the cabin is located. The buildable area on the east half of the property tapers from 12 feet to 33 feet on the east end.

The applicant's driveway is located approximately 65 feet downhill from the intersection of Teresa Court and Tuscarora Road. The existing driveway is not large enough to turn around in so vehicles must back out into the street. The section of Tuscarora Road abutting the subject property slopes downhill west to east at approximately 16%. A neighbor describes this to staff as a "very hazardous end/multiple corner/multiple intersection". In addition, the neighborhood is densely wooded with pine trees shading the street so the road becomes snow packed and icy in the winter. Tuscarora Road is so steep that the bear box had to be located on Teresa Street so the trash trucks would stop and collect waste. The combination of snow, ice, steep slopes and shaded streets can make for hazardous conditions when backing out of the driveway. The applicant is proposing to move the garage to the west end of the property so it can be accessed from Teresa Court which is fairly level and a much safer access point.

No Special Privileges.

The Tahoe Area Plan Modifier that limits plumbing fixtures in accessory structures to one toilet and one sink is inconsistent with the limitations upon other properties within the identical regulatory zones in the rest of the County.

Public Comment

Staff received 3 letters of support and one letter in opposition from neighboring property owners. (See Exhibit B)

Mr. and Mrs. Nelson of 464 Teresa Court listed several reasons for their opposition. Staff reviewed their concerns and addressed them below.

- **The two-story garage is a second residence and will enjoy a premium view.**
  - The accessory structure does not have any cooking facilities so per Washoe County codes it is not classified as a second residence.
  - If approved, staff recommends a condition that a deed restriction prohibiting it from being used as a second residence be recorded on the property.
  - There are no codes or other restrictions against wanting or having a prime view.
  - Many of the homes in this area are three to four stories in height so they can enjoy great views of the lake.

- The applicant's request does not block or interfere with other property owner's views.

- **The property does not conform to Medium Density lots size and width standards; the slope of the lot is only 16% so is only moderately steep.**
  - The development suitability map for the Tahoe Area Plan indicated that the subject property has slopes in excess of 15%. The site has a significant slope, but is still buildable.
  - The Development Code identifies slopes of 30% or greater as less suitable for development.
  - In 1997, Variance V1-3-97 was approved for Mr. and Mrs. Nelson to tear-down and rebuild a larger home on their property. The variance granted a reduction of the front yard setback from 20 feet to 12 feet and the side yard setbacks from 8 feet to 4.5 feet and 2.5 feet. Their application stated that because the site was unusually narrow and small and "substantially down-sloping lot (18 degrees)", "the strict application of the regulations deprives their property of privileges enjoyed by other properties within identical regulatory zone." Staff notes that the same conditions the Nelsons cited as reasons for granting their variance are nearly identical to the situation of the subject property.
  - Neither the zoning (MDS) nor the lot size and width standards have changed since the Nelsons' variance was granted.

- **That after a lot is developed the front yard chosen as the front yard shall remain the front yard for all future development.**
  - The designated front yard is not changing.
  - The 20 foot front yard setback requirement is applied to all sides of a property abutting the street regardless if it is a rear or side yard.
  - Garages, driveways and accessory structures are allowed in the rear and side yards.

- **That 460 Teresa Court is used as a vacation rental.**
  - The neighbor's use of his property is not an indication of the applicant's intent.

- **That the property is not historic.**
  - While the property is not nominated or listed on the National Historic Registrar, the structure is over 50 years old, it is one of a few homes built in c. 1930-1940, and is indicative of the summer cabins that once were the norm for this area.
  - The exterior of the home has not been drastically modified, therefore under the standards of The Secretary of the Interior of the United States, the property is considered potentially historically significant.
  - The property owner likes the existing structure and would like to preserve it in a manner that does not diminish its historic appearance.

- **The fence is located in the line of sight triangle**
  - Staff reviewed plans and determined that the fence in the front yard does not exceed 55-inches in height and is not located within the visibility triangle as defined by Washoe County Code Section 110.412.30.

- **The sauna is located in the front yard.**

- The existing home fronts on Wassou Road, therefore, this is the front yard. The sauna appears to be located in the front yard setback. Staff recommends a condition that the sauna be moved to a location outside the front yard setback.

Incline Village/Crystal Bay Citizen Advisory Board

The proposed project will be presented by the applicant or the applicant's representative at the regularly scheduled Citizen Advisory Board meeting on September 26, 2016. Staff will provide a brief summary during the public hearing.

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 Capital Projects
  - Parks and Open Spaces
- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division
- North Lake Tahoe Fire Protection District
- Incline Village General Improvement District
- Regional Transportation Commission

Of the eight above listed agencies/departments, only Planning and Development provided comments and/or recommended conditions of approval in response to their evaluation of the project application. The Conditions of Approval document is attached to this staff report and will be included with the Action Order if the Board of Adjustment approves the application.

- Washoe County Planning and Development recommends requiring a deed restriction prohibiting conversion of the accessory structure to a dwelling unit; relocating the sauna; and requiring holding the County harmless from damages that may occur during snow removal and road widening, maintenance or utility work.

  Contact: Eva M. Krause, 775.328.3628, ekrause@washoecounty.us

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 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: the property is exceptionally narrow and steeply sloped. In addition, three sides of the property are encumbered with front yard 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: the relocation of the driveway and garage to the west end of the property will provide safer access to the property and will not interfere with anyone's views.

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: Varying setback standards for construction of garages to be built within 15 feet of the edge of the road is common in the surrounding area. Several of the surrounding residences have two-story garages, similar to what is being requested under this variance. The second story above the garage does not exceed the height standards and will not impact the surrounding property owner's views or their use of their property.

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: All the proposed structures and uses are allowed within the Medium Density Suburban zoning designation.

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 are no military installations within the required noticing area; therefore the board is not required to make this finding.

Recommendation

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Variance Case Number VA16-006 is being recommended for approval with conditions. 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 approve Variance Case Number VA16-006 for Jeffery D. Eget, with the conditions of approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County Code Section 110.804.25:

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;
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;

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;
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.

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 and mailed to the original applicant, 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 and mailed to the original applicant.

xc: Property Owner: Jeffery D. Eget
3651 Goodland Drive
Studio City, CA 91604

Representatives: Borelli Architecture
P.O. Box 6823
Incline Village, NV 89450

Conditions of Approval

Variance Case Number: VA16-006

The project approved under Variance Case Number VA16-006 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on October 6, 2016. 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.

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 – Eva M. Krause, 775.328.3628, ekrause@washoecounty.us

   a. The applicant shall demonstrate substantial conformance to the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance.

   b. The applicant shall submit complete construction plans and building permits shall be issued within two years from the date of approval by Washoe County. The applicant shall complete construction within the time specified by the building permits.

   c. 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.

   d. Prior to issuance of a building permit, the applicant shall execute a Hold Harmless Agreement, for all structures within a front yard setback, with the District Attorney's Office for the purposes of road maintenance and snow removal. The applicant shall submit a copy of the recorded document with the building permit application.

   e. Prior to issuance of a building permit for the detached accessory structure the applicant shall execute a Deed Restriction And Covenant Against Use Of Detached Accessory Structure As A Detached Accessory Dwelling Where Structure Is Connected To Water Or Wastewater Facilities

   f. The applicant shall install an automatic garage door opener prior the issuance of a Certificate of Occupancy or building permit final sign-off.

   g. If more than 50% of the existing cabin is taken down for a remodel or rebuild than the portion of the deck and the storage area that encroaches into the front yard setback shall be removed.

   h. The detached accessory structure shall not be located closer than 15 feet from the edge of pavement of the abutting street, and the floor area of each level of the structure shall not exceed 576 square feet.

   i. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control.

*** End of Conditions ***

September 26, 2016

To Whom It May Concern:

I want to make a point of complimenting Marina and Jeff Eget on their Defensible Space and Landscaping project. Rather than just cutting back the Manzanita and trimming tree limbs, they have added a rustic split rail fence and planted native flowers and other vegetation to create a beautiful and pleasing look that blends with the natural habitat.

As for re-locating their garage, the street the garage is on now, E. Tuscarora, is a short, steep, narrow street with blind corners at the bottom. There is a lot of traffic on this street and in the winter it becomes very icy and cars are constantly sliding down this street out of control. Placing the garage on Teresa Ct. is a safe and logical solution. Teresa Ct. is a flat, level street with almost no traffic. Also, this location would not compromise anyone's view in any way.

Respectfully,

Steve Mayo
Neighbor and Crystal Bay Resident

September 26, 2016

To Whom It May Concern:

On 1/11/2016 Brian Nelson filed a complaint against me, Steve Mayo, with the Washoe County Animal Control for Dog at Large. He failed to appear at the hearing and the complaint was dismissed.

On 3/19/2016 he filed a similar complaint and, again, failed to appear at the hearing. Again the complaint was dismissed.

On 6/9/2016 he once again filed a similar complaint. This time he did appear at the hearing but after hearing the evidence the hearing officer dismissed the complaint.

I have received no other complaints from the Animal Control Office in my 42 years as a resident of Crystal Bay.

Respectfully,

Steve Mayo

From: Rod Nussbaum
To: Krause, Eva
Subject: Fwd: Variance VA 16-006
Date: Sunday, September 25, 2016 11:16:47 AM

Dear Ms. Krause:
I am forwarding to you as I just saw your name on the Official Notice of Public Hearing dated 9/23.
Please note this as part of the deliberations process.
Thank you.
Regards,
Rod Nussbaum
---------- Forwarded message ----------
From: **Rod Nussbaum** <rodnussbaum@gmail.com>
Date: Fri, Sep 23, 2016 at 1:38 PM
Subject: Variance VA 16-006
To: Tlloyd@washoecounty.us

Dear Mr. Lloyd,
My name is Rod Nussbaum and I reside at 480 Wassou Rd, Crystal Bay, Nv. 89402 with my wife Nancy. Both of us are very supportive of the plans associated with the above captioned variance for the construction project at 45 E Tuscarora at the Egert residence. We have spoken to the architect as well as the applicants and believe they are planning a very nice project which is consistent with the the esthetics and flow of the neighborhood. Please be advised of our support and we would be happy to answer any questions you may have.
Best regards,
Rod Nussbaum

From: Joshua Hackett
To: Krause, Eva
Subject: Variance Case # VA 16-006 (Eget Residence)
Date: Sunday, September 25, 2016 9:50:47 PM

Regarding variance case VA16-006 at 45 E Tuscarora (Eget Residence):

It is our opinion that the planned development will improve the property for the current residence specifically and the surrounding neighborhood in general, and we have no contention whatsoever.

Joshua and Tiffany Hackett
42 E Tuscarora Road

8/29/16

TO: Washoe County Community Services Department
Planning and Development
P. O. Box 11130
Reno, NV 89520-0027

FROM: Brian and Terry Nelson
P. O. Box 1374
464 Teresa Court
Crystal Bay, NV 89402
Parcel # 123-136-03

RE: Case # VA16-006 (Eget Residence) in Commission District #1
Parcel # 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Planning and Development:

In our review of the Washoe County Development Code as property owners directly effected by the proposed building permit application, we present the following observations and objections for review by the Department of Community Development:

Simply by viewing the depicted drawing of the proposed three story second dwelling residence (they are also requesting a basement), being referred to as a "detached accessory structure" or "garage," one can quickly ascertain that what is actually being proposed here is the construction of a second residence on this parcel. This second residence doesn't qualify as an accessory dwelling unit (as the owners representative accurately points out) because it is proposing "more than one sink and one toilet." As stated in the proposed application, "Article 220 (Tahoe Area) still limits allowable plumbing fixtures to 1 toilet and 1 sink." This is just one of multiple variances being requested, including the request to completely disregard setbacks on all sides of this property. Their seems to be a perceived entitlement to all of these changes stemming from a tiny bathroom addition permit obtained by the previous owner many years ago (permit # 99-6297 finalized 8/31/00).

The proposed application asks that every single existing setback restriction be eliminated and virtually ignored, as this "second residence" is constructed on the "premium view" side of this tiny and irregularly shaped lot. The required setbacks have been clearly defined in the code so that there can be no confusion: "Washoe County Development Code, Section 110.406.25 Unobstructed Yards" states "any yard required by the Development Code shall be open and unobstructed from the ground to the sky..." "Section 110.406.30 Front Yards, item (c)" further states that "all yards abutting streets shall be considered as front yards." Thus, the minimum setback requirements of this parcel are 20' on a total of three sides of this property.

This property is within master plan Category Suburban Residential/Regulatory Zone MDS. This is intended for low to medium density uses. When referring to the MDS Density/Intensity Standards Table 110.406.05.1 that the development of this property is subject to, it clearly lays out the following facts: 1) dwelling unit per acre stated as du/ac are 3h, 2) minimum lot size is 12,000 square feet, and 3) minimum lot width is 80'. The MDS Regulatory Zone is intended to

create and preserve areas where multiple dwelling units are only allowed at a rate of 3/acre. This extremely small lot is only .19 acres. Minimum square footage of a lot must be 12K sq' and this lot is only 8,351 sq'. Minimum lot width is also required to be 80' and the Teresa Court side of this property where the proposed second residence would be located is only 40' wide (with only 12' of buildable space once the required setbacks are met). "Section 110.406.45 Lot Width, item (a)" states "modification of this standard must facilitate superior building sites. This modification may not be granted for subsequent development of the same parcel."

We would also like to point out the relevance of Washoe County Development Code Section 110.406.30 when considering this application. Please see the issuance and completion of building permit #99-6298 finalized 8/31/00, which resulted in the construction of an enclosed garage with storage above it and a driveway adequate to provide off-street parking. This Section states: "After Development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot."

In further response to the proposed application, we would like to point out that the adjoining residence is not properly and accurately depicted on the drawings submitted. The footprint of this dwelling does not present the true circumstance that exists on this lot. This residence pops out 2' in all directions from the footprint in such a fashion that when you also take into account the roof/eves, it is abutting the property line on multiple sides. This "0 lot line" situation has resulted in an already overly congested area; from aesthetic, nuisance, and safety perspectives.

Due to the consistent and regular use of the adjoining parcel at 460 Teresa Court as a vacation rental, Teresa Court is already a congested street with safety concerns. The short driveway at this busy rental property (much like the one proposed be added to the subject property only a few feet away) has resulted in 3 cars lined up and extending well into the road on a regular basis. Renters of this property (that usually exceed 8 to 12 at a time), often proceed to line Teresa Court with cars that won't fit in its tiny driveway. This situation has been so extreme at times as to cause renters to be cited for completely blocking the roadway. In light of Teresa Court being a cul-de-sac with no other way out, the risk to our safety becomes even more serious in the event of an emergency.

If this second home at the "Teresa Court end" of the subject property is allowed to be erected, it will exacerbate this congestion, not only increasing the nuisance issues immediately adjacent to it but most importantly making it a much more dangerous corner for those of us trying to get in and out of Teresa Court than it already is. The proposed plans for the subject property depict a driveway very similar in dimensions to the one described above on the adjacent property. This would result in not only 3 cars lined up side by side extending out into the street, but will now add a few more to the lineup even closer to this dangerous corner where so many problems exist already. The Variance Application submitted cites "limited coverage" as being a legitimate reason to create a very dangerous situation by overdeveloping this property. The thin treacherous roads in Crystal Bay are hard enough to maneuver around in hazardous winter conditions without adding all of these obstacles.

The owner's representative describes the subject parcel as "quite steep" and claims that this is a severe hardship. Section 110.106.15 defines "slopes" as having being "moderate" in the 15 - 30% range. This lot presents as 16%, which barely qualifies as moderate, let alone "steep;" which is defined as greater than 30% slope, per county code. The 16% slope on this lot should frankly be the least of the concerns when contemplating the safe development of this parcel.

They are also arguing that there is "historic value" that was taken into account in their decision not to modify/expand the existing 1936 small cabin that currently exists on the lot. This building is not listed on any national or state registry's of historic places. "Washoe County Code Chapter 110, Article 220, Tahoe Area" is designed to "preserve buildings and sites which have been listed on a state or national registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners's efforts to preserve the historic or landmark value of the property..." Thus, to argue that simply the age of this structure somehow provides for it to get preferential treatment is ludicrous. There are no historic or landmark values associated with this property that extend beyond the apparent nostalgic opinion of only this applicant.

The applicant has stated in the submitted documentation that no CC & R's exist that are material to the matter at hand. For the record, we would like to submit the fact that the "creation of a nuisance" is in violation of the CC & R's. This proposed permit, if granted, would at a minimum create a nuisance; in direct violation of our communities CC & R's of public record.

Specific parcels are appropriately designated to have limitations and restrictions tailored to the situation that each individual unique parcel presents. The owner of this parcel is attempting to make this lot something that it is not without regard for rules, regulations, and public safety. We applaud and support the county in the well thought out restrictions that currently exist to control activity on this parcel; both they and the original builder got it right when the existing residence was erected which pretty much maxed out this lot's potential for development while adequately protecting the public.

The fact of the matter is that the owner of this property, who knowingly purchased a "virtually unbuildable" small unusually shaped lot (which was priced accordingly), is now attempting to claim that this fact is somehow a hardship to him. Instead of choosing to either modify the existing residence while remaining within county code requirements or to sell the property and purchase something that better meets his needs, he has chosen to instead challenge every aspect of what the Washoe County Development code was designed to protect against. It appears from a perusal of the public records that the existing residence could easily be modified in accordance with county codes and regulations to meet their needs without sacrificing public safety. He is currently making a conscious choice not to pursue this safe and legal avenue.

We are asking that the County require adherence to all building standards that must remain in place to protect the health, safety, and welfare of not only the residents, but also of the public who uses the adjoining roadways. We would like to thank the County for their detailed and well thought out master plan and enforceable codes, that were designed to prevent severe inappropriate building that sacrifices not only the aesthetic appeal of our community but also more importantly public safety. In light of the fact that the proposed permit application is not consistent or compatible with the Washoe County Development Code on numerous levels, we respectfully request that the county please deny this proposed application, as required.

Before the county closes out the file on this parcel, we would also like to request that the recently erected fence be removed due to it being out of compliance with the "Obstructions to Vision" clause that states: "There shall be no fences or other obstruction to vision more than eighteen inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety."

Please also require the removal/movement of the Sauna recently placed on the property that represents yet another violation of County Codes. We are being advised that this Detached Accessory Structure is not allowed to be placed within any setbacks. Per code, this is not allowed within any of the three existing front setbacks, and is only allowed in the remaining setback on the north side if it is at least 5' from the property line.

We intend to vehemently object to this proposed permit to the fullest extent that the law allows. The granting of this permit would effectively prevent us from experiencing the safe enjoyment and peaceful use of our property, to which we are entitled under the laws of our community and our state, as it would simultaneously prevent all those who drive on E. Tuscarora and Teresa Court from having a safe line of site traveling up and down these roads. These thin roads are already hard to safely maneuver without obstructing the limited visibility that currently exists.

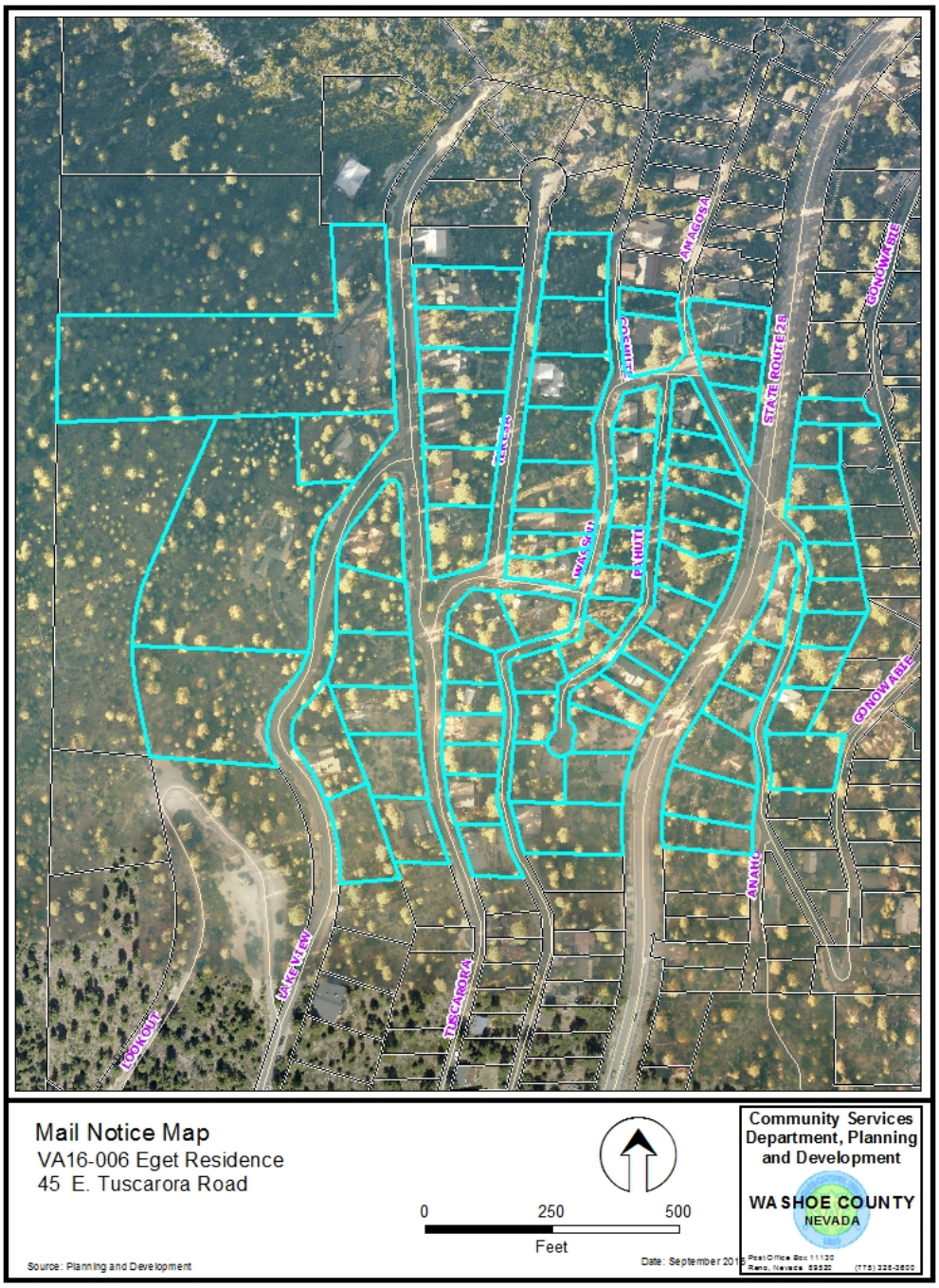
We believe in our community and it's rules, regulations, ordinances, and laws that have been put in place to protect us all from situations exactly such as this. We intend to fully cooperate with the county with regards to their investigation of this request and look forward to working with them to establish the true hardship and harm that this request, if granted, would place not only on us, but also upon the entire community and the public who uses our roadways. Thank you in advance for your prompt time an attention to this very important matter; that affects the quality of life for all of us. Now that the County has so appropriately brought this to our attention, please know that it is of the utmost priority to us; and we will be happy to answer any questions and/or provide any additional documentation to the County that they deem necessary in the process of rendering their decision.

Sincerely,

Brian and Terry Nelson
464 Teresa Court
Crystal Bay, NV 80402

Public Notice

Pursuant to Washoe County Development Code Section 110.804.20 public notification consists of notification by mail of at least 30 separate property owners within a minimum 500-foot radius of the subject property. This proposal was noticed within a 500_foot radius of the subject property, noticing 47 separate property owners.



NOTICING MAP

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.:** _____
Project Name: EGET RESIDENCE ADDITION AND DETACHED GARAGE ADDITION PROJECT	
Project Description: BATH AND STORAGE ADDITION TO EXISTING RESIDENCE, DECK REBUILD, 2-CAR DETACHED GARAGE ADDITION WITH BEDROOM, BATH AND LIVING AREA ABOVE AND EXERCISE ROOM, BATH AND LAUNDRY BELOW.	
Project Address: 45 E. TUSCARORA ROAD, CRYSTAL BAY, NV	
Project Area (acres or square feet): 8,351 SF (0.19 ACRES)	
Project Location (with point of reference to major cross streets **AND** area locator): TERESA CT. TO THE WEST, E. TUSCARORA ROAD TO THE SOUTH, WASSOU RD. TO EAST	

Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No(s):	Parcel Acreage:
123-136-02	0.19		

Section(s)/Township/Range: TOWNSHIP 16 / RANGE 18
Indicate any previous Washoe County approvals associated with this application: Case No.(s). V2-6-99

Applicant Information (attach additional sheets if necessary)

Property Owner:	**Professional Consultant:**
Name: JEFFERY D. EGET	Name: BORELLI ARCHITECTURE
Address: 3651 GOODLAND DRIVE	Address: P.O. BOX 6823
STUDIO CITY, CA Zip: 91604	INCLINE VILLAGE, NV Zip: 89450
Phone: 213-703-1000 Fax:	Phone: 775-831-3060 Fax: 775-833-3919
Email: jeff@omnisteel.com	Email: jim@borelliarchitecture.com
Cell: 213-703-1000 Other:	Cell: 775-544-3228 Other:
Contact Person: JEFF EGET	Contact Person: JAMES P. BORELLI, AIA
Applicant/Developer:	**Other Persons to be Contacted:**
Name: (SAME AS OWNER)	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):

Property Owner Affidavit

Applicant Name: JEFFERY D. EGET

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, JEFFERY D. EGET,
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below 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 members of Planning and Development.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 123-136-02

Printed Name JEFFERY D. EGET

Signed

Address 3651 GOODLAND DRIVE

STUDIO CITY, CA 91604

Subscribed and sworn to before me this 9 day of August, 2016.

Notary Public in and for said county and state

My commission expires: 10·10·18

(Notary Stamp)

S. PISANO
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 99-51198-2 - Expires October 10, 2018

*Owner refers to the following: (Please mark appropriate box.)

- ☑ Owner
- ☐ Corporate Officer/Partner (Provide copy of recorded document indicating authority to sign.)
- ☐ Power of Attorney (Provide copy of Power of Attorney.)
- ☐ Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- ☐ Property Agent (Provide copy of record document indicating authority to sign.)
- ☐ Letter from Government Agency with Stewardship

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?

1. REDUCE SIDE SETBACK FROM 8' TO 5' FOR BATH ADDITION AND DECK REBUILD AT EXISTING RESIDENCE.
2. REDUCE FRONT SETBACK AT WASSOU ROAD FROM 20' TO 14'-5" FOR STORAGE ADDITION BELOW EXISTING DECK.
3. REDUCE SIDE SETBACK FROM 8' TO 5' FOR DETACHED GARAGE ADDITION.
3. REDUCE FRONT SETBACK AT TERESA COURT FROM 20' TO 10' FOR DETACHED GARAGE ADDITION.
4. REDUCE FRONT SETBACK ON E. TUSCARORA ROAD FROM 20' TO 8'-0" FOR DETACHED GARAGE ADDITION.
5. ALLOW FOR A DETACHED ACCESSORY STRUCTURE MORE THAN 1-STORY (2 STORIES + BASEMENT IS REQUESTED).
6. ALLOW FOR A DETACHED ACCESSORY STRUCTURE WITH MORE THAN 1 SINK AND 1 TOILET.

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?

1. THE SUBJECT PARCEL IS QUITE SMALL, ONLY 8351 SQUARE FEET (0.19 ACRES).
2. THE SUBJECT PARCEL IS UNUSUAL IN SHAPE AND IS VERY LONG AND NARROW, ESPECIALLY AT THE UPPER PORTION FRONTING ON TERESA COURT, WHICH IS ONLY 40' WIDE.
3. THE SUBJECT PARCEL IS QUITE STEEP, OVER 16% AVERAGE SLOPE FROM WEST TO EAST.
4. THE SUBJECT PARCEL IS BOUNDED BY WASSOU ROAD ON THE EAST SIDE, E. TUSCARORA ROAD ON THE SOUTH SIDE AND TERESA COURT ON THE WEST SIDE. ALL THREE SIDES ARE CONSIDERED THE "FRONT" AND ARE SUBJECT TO THE STANDARD MEDIUM DENSITY SUBURBAN FRONT SETBACK OF 20'. AT THE UPPER PORTION OF THE PARCEL ON TERESA COURT, ONLY 15' OF BUILDABLE WIDTH REMAINS AFTER APPLYING THE 20' FRONT SETABCK ON E. TUSCARORA ROAD AND THE 5' SIDE SETBACK ON THE NORTH SIDE OF THE PROPERTY.
5. ALTHOUGH ARTICLE 304 OF THE WASHOE COUNTY DEVELOPMENT CODE WAS AMENDED SEVERAL YEARS AGO, ELIMINATING LIMITS ON THE NUMBER OF PLUMBING FIXTURES IN DETACHED ACCESSORY STRCUTURES, ARTICLE 220 (TAHOE AREA) STILL LIMITS ALLOWABLE PLUMBING FIXTURES TO 1 TOILET AND 1 SINK.
6. THE REQUESTED REDUCTION OF THE SIDE SETBACK FROM 8' TO 5' FOR THE BATH ADDITION AND DECK REBUILD AT EXISTING RESIDENCE HAS BEEN PREVIOUSLY GRANTED IN A VARIANCE IN THIS AREA AND THE PROPOSED IMPROVEMENTS ENCROACH NOT FURTHER INTO 8' SETBACK THAN WHAT WAS PREVIOUSLY APPROVED.
7. THE REQUESTED REDUCTION OF FRONT SETBACK FROM 20' TO 14'-5" FOR THE STORAGE AREA UNDER THE EXISTING DECK IS LOCATED ENTIRELY UNDER THE EXISTING DECK AND ENCROACHES LESS INTO THE SETBACK THAN DOES THE EXISTING DECK ITSELF.
8. TRPA ALLOWABLE LAND COVERAGE FOR THE SUBJECT PARCEL IS EXTREMELY LIMITED. LOCATING THE GARAGE CLOSER TO THE STREET MINIMIZES THE AMOUNT OF COVERAGE REQUIRED FOR THE DRIVEWAY.

VA16-006
EXHIBIT D

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?

1. NO VIEWS WILL BE BLOCKED BY THE PROPOSED PROJECT. VIEWS FROM NEIGHBORING PROPERTY TO THE NORTH WILL ACTUALLY BE IMPROVED SINCE 2 EXISTING BUILDINGS LOCATED DIRECTLY ADJACENT TO IT WILL BE DEMOLISHED AND REPLACED WITH THE DETACHED GARAGE ADDITION AT THE UPPER PORTION OF THE SITE WHICH WILL BE ADJACENT TO THE DRIVEWAY RATHER THAN THE RESIDENCE ITSELF. SOME VIEWS OF THE LAKE MAY ACTUALLY BE OPENED UP FROM RESIDENCES LOCATED ON THE SOUTH SIDE OF E. TUSCARORA ROAD.

2. THE NEIGHBORING PROPERTY TO THE NORTH WILL ENJOY INCREASED PRIVACY DUE TO THE DEMOLITION OF THE 2 EXISTING BUILDINGS TO THE SOUTH.

3. PEDESTRIAN AND TRAFFIC SAFETY WILL BE IMPROVED SINCE VEHICLES WILL NO LONGER BE BACKING OUT ONTO THE THE 16% GRADE OF E. TUSCARORA ROAD. VEHICULAR ACCESS AND EGRESS WILL BE PROVIDED AT TERESA COURT WHICH IS LESS TRAVELED AND NEARLY LEVEL.

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.)?

1. THE SCENIC CHARACTER OF THE NEIGHBORHOOD WILL BE ENHANCED BY THE REMOVAL OF THE 2 EXISTING DETACHED BUILDINGS WEST OF THE EXISTING RESIDENCE SINCE THIS AREA WILL BE RESTORED AND REVEGETATED AND MAINTAINED AS A LARGE OPEN SPACE AREA BETWEEN THE EXISTING RESIDENCE TO REMAIN AND THE PROPOSED DETACHED ACCESORY BUILDING AT THE OPPOSITE END OF THE PARCEL. THIS NEWLY CREATED OPEN SPACE WILL ENHANCE THE ENVIRONMENTAL CHARACTER OF THE AREA, PARTICULARLY FOR THE NEIGHBORING PROPERTY TO THE NORTH AND FROM E. TUSCARORA ROAD.

2. ADDITIONAL ENCLOSED PARKING WILL BE PROVIDED SINCE THE EXISTING SINGLE CAR GARAGE WILL BE DEMOLISHED AND REPLACED WITH A NEW 2-CAR GARAGE. OFF STREET PARKING WILL BE PROVIDED AT THE NEW DRIVEWAY LOCATED ON TERESA COURT, ELIMINATING THE EXISTING OFF STREET PARKING AREA WHICH IS MORE VISIBLE TO NEIGHBORS AND PASSERS BY.

3. THE EXISTING CLUTTER OF OUTBUILDINGS WILL BE ELIMINATED AND EXISTING TOPOGRAPHIC CONTOURS IN THIS AREA WILL BE RESTORED TO NATURAL GRADES.

VA16-006
EXHIBIT D

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

1. THE BUILDABLE AREAS OF MOST PROPERTIES IN THE NEIGHBORHOOD ARE NOT AS ADVERSELY AFFECTED BY SETBACKS IS THE CASE WITH THE SUBJECT PARCEL, SINCE IT IS SUBJECT TO 20 SETBACKS ON 3 SIDES. THIS REQUIREMENT IS OVERLY RESTRCITIVE AND SEVERLY LIMITS THE DEVELOPMENT OPTIONS FOR THE PROPERTY.

2. MOST PROPERTIES WITH STEEP SLOPES IN THE NEIGHBORHOOD HAVE THE OPTION OF LOCATING DEVELOPMENT AT THE HIGH POINT OF THE PROPERTY TO MAXIMIZE VALUABLE LAKE VIEWS. CONFORMANCE TO 2 20' SETBACKS AT THE HIGH PORTION OF THE PARCEL RENDERS THIS AREA OF THE PARCEL VIRTUALLY USELESS.

3. MOST PROPERTIES IN THE NEIGHBORHOOD ARE REGULAR AND RECTANGULAR IN SHAPE AND DO NOT HAVE THE UNUSUAL, RESTRCITIVE SHAPE OF THE SUBJECT PARCEL.

4. THE OWNERS OF THE PROPERTY ARE VERY SENSITIVE TO THE HISTORIC VALUE OF THE EXISTING 1936 CABIN AND PREFER TO PRESERVE IT AS IS RATHER THAN ADD ON TO IT TO MORE ADEQUATELY MEET THEIR NEEDS.

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

VA16-006
EXHIBIT D

APPLICATIONS	COMMUNITY SERVICES DEPARTMENT FEES					HEALTH FEES		
	Planning					*Health District*		
	PLANNING	NOTICING	ENGINEERING	PARKS	UTILITIES	ENVIRON.	VECTOR	TOTAL
TRUCKEE MEADOWS REGIONAL PLANNING AGENCY NOTICING FEE	See Note 4							
VARIANCE - RESIDENTIAL/COMMERCIAL/INDUSTRIAL								
Not Tahoe	$1,060	$200	$65	-	$26	$115	$213	**$1,679**
Tahoe	$1,060	$200	$65	-	-	$115	$213	**$1,653**

NOTE 1: $5,000 deposit on time and materials. Additional $5,000 increments may be required.

NOTE 2: $750 fee capped by NRS for Division of Land into Large Parcels only.

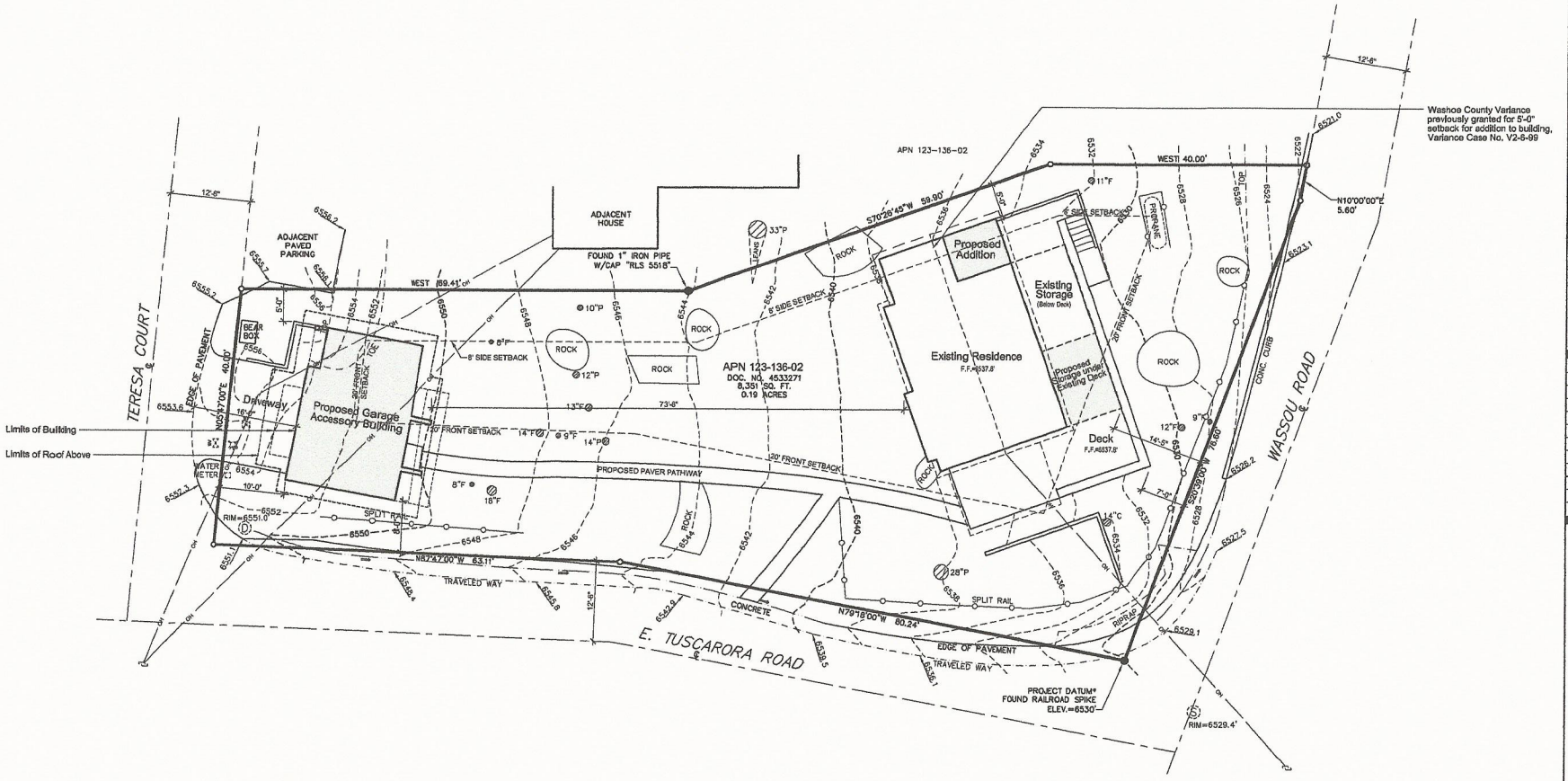
NOTE 3: $50 per hour after first 1/2 hour for Planner, $20 per hour after first 1/2 hour for Clerk, Public Records Research/Copying.

NOTE 4: Fee to be established by Truckee Meadows Regional Planning Agency.

NOTE 5: The Engineering Department will require a separate check for technical map fee. Please check with Engineering for the current fee amount.

NOTE 6: Separate checks are required for the Nevada Departments of Environmental Health and Water Resources. See Submittal Requirements.

NOTE 7: The following are major permit applications: bed and breakfast inns; commercial animal slaughtering; convention and meeting facilities; destination resorts; eating and drinking establishments; gasoline sales and service stations - convenience and full service; gaming facilities: limited and unlimited; hostels; hotels and motels; liquor sales on premises; lodging services; major public facilities; recycling centers: full service and remote collection and residential hazardous substances; vacation time shares. All other uses constitute minor permits.



Proposed Site Plan

borelli
JAMES P. BORELLI, AIA
775.831.3060 office
775.833.3919 fax
POST OFFICE BOX 4823
INCLINE VILLAGE, NV 89450
jim@borellarchitecture.com

A Remodel and Addition Project for:

Jeff Eget

45 E. Tuscarora Road
Crystal Bay, Nevada
APN 123-136-02

Revision	Date

Date	August 15, 2016
Drawn	JPB
Scale	1/8"=1'-0"

Proposed Site Plan

A1.2

VA16-006
EXHIBIT D

Washoe County Treasurer
P.O. Box 30039, Reno, NV 89520-3039
ph: (775) 328-2510 fax: (775) 328-2500
Email: tax@washoecounty.us

Washoe County Treasurer
Tammi Davis

Bill Detail

Back to Account Detail | Change of Address | Print this Page

Washoe County Parcel Information

Parcel ID	Status	Last Update
12313602	Active	8/12/2016 2:09:25 AM

Current Owner:
EGET 1990 TRUST, JEFFERY D
3651 GOODLAND DR
STUDIO CITY, CA 91604

SITUS:
45 E TUSCARORA RD
INCL NV

Taxing District
5200

Geo CD:

Legal Description

Township 16 Block 5 SubdivisionName CRYSTAL BAY PARK 1 UNOFFICIAL Range 18 Lot 2

Installments

Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/15/2016	2016	$0.00	$0.00	$0.00	$0.00
INST 2	10/3/2016	2016	$0.00	$0.00	$0.00	$0.00
INST 3	1/2/2017	2016	$842.70	$0.00	$0.00	$842.70
INST 4	3/6/2017	2016	$842.70	$0.00	$0.00	$842.70
		Total Due:	**$1,685.40**	**$0.00**	**$0.00**	**$1,685.40**

Tax Detail

	Gross Tax	Credit	Net Tax
Incline Recreati	$730.00	$0.00	$730.00
Incline Village	$132.50	($77.11)	$55.39
North Lake Tahoe 2	$704.60	($295.93)	$408.67
State of Nevada	$190.40	($53.37)	$137.03
Washoe County	$1,558.71	($436.91)	$1,121.80
Washoe County Sc	$1,275.13	($357.41)	$917.72
LAKE TAHOE WATER BASIN	$0.20	$0.00	$0.20
Total Tax	**$4,591.54**	**($1,220.73)**	**$3,370.81**

Payment History

Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2016	2016097974	U16.5117	$1,685.41	8/9/2016

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Change of Address

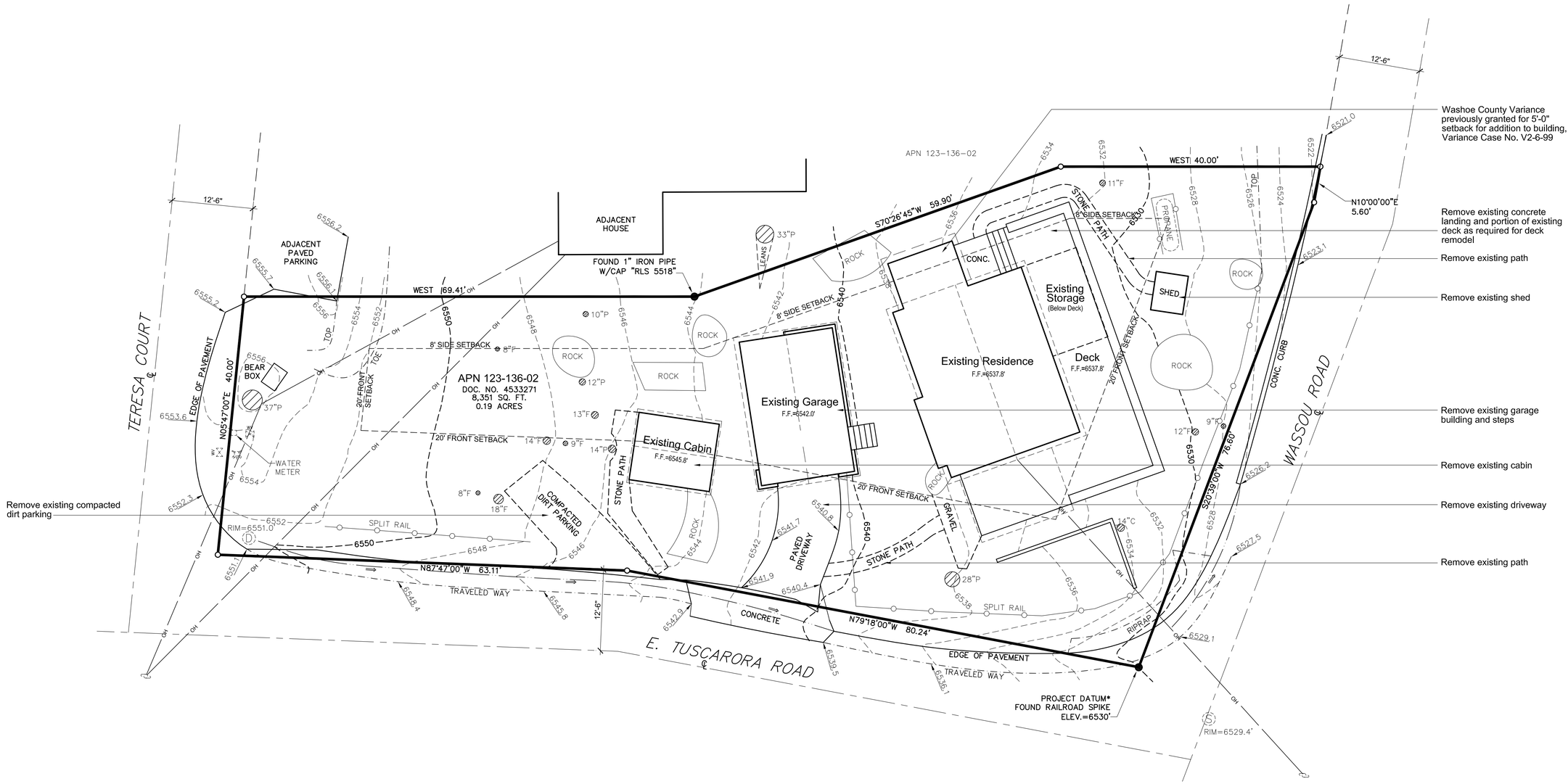
All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online click here

Address change requests may also be faxed to:
(775) 328-2500

Address change requests may also mailed to:
Washoe County Treasurer
P O Box 30039
Reno, NV 89520-3039

VA16-006
EXHIBIT D



Existing Site Plan

borelli
ARCHITECTURE

JAMES P. BORELLI, AIA

775.831.3060 office
775.833.3919 fax

POST OFFICE BOX 6823
INCLINE VILLAGE, NV 89450

jim@borellarchitecture.com

A Remodel and Addition Project for:

Jeff Eget

45 E. Tuscarora Road
Crystal Bay, Nevada
APN 123-136-02

Revision	Date

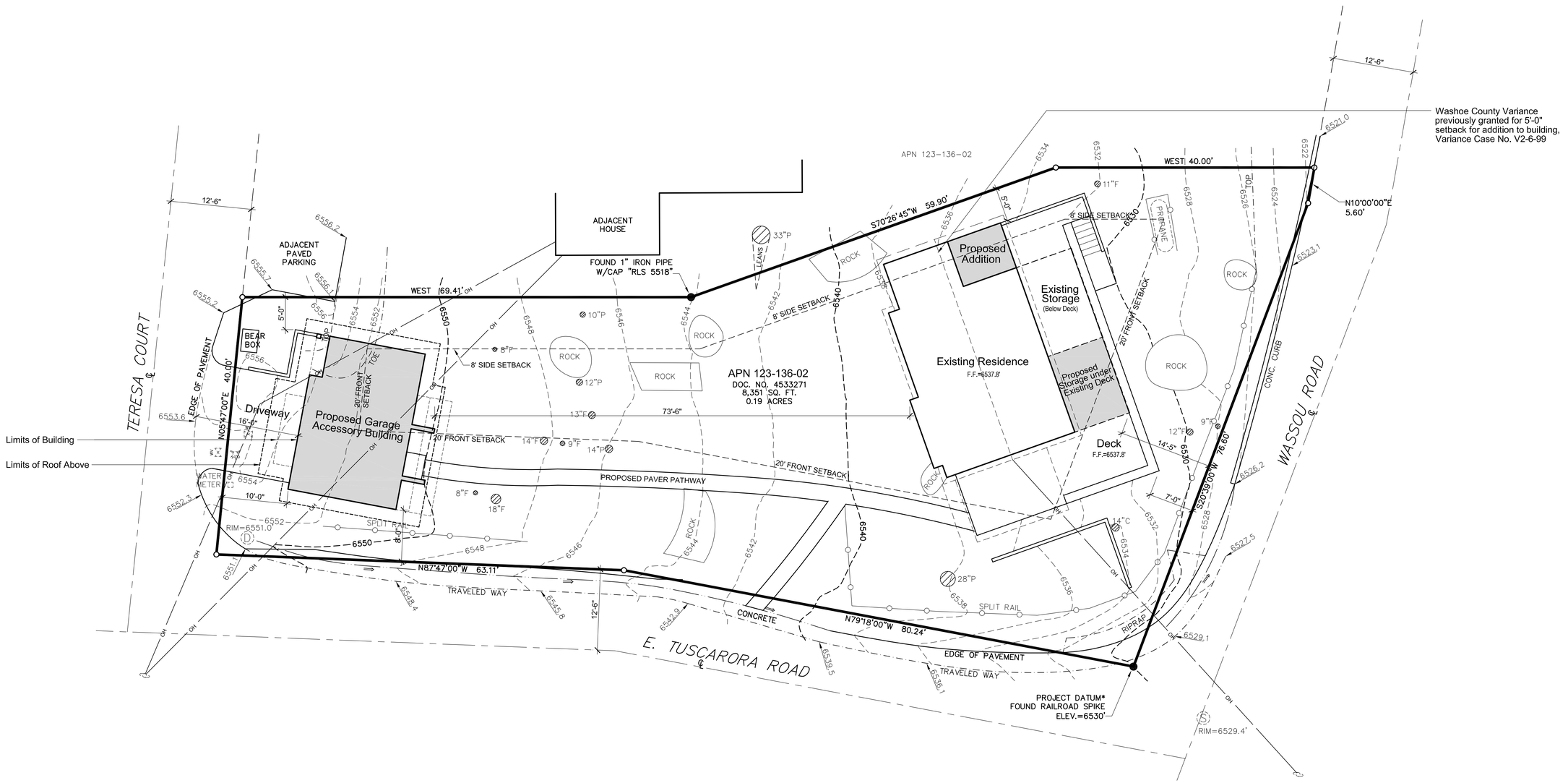
Date	August 15, 2016
Drawn	JPB
Scale	1/8"=1'-0"

NORTH

Existing Site Plan

A1.1

VA16-006
EXHIBIT D



Proposed Site Plan

borelli
ARCHITECTURE

JAMES P. BORELLI, AIA

775.831.3060 office
775.833.3919 fax

POST OFFICE BOX 6893
INCLINE VILLAGE, NV 89450

jim@borelliarchitecture.com

A Remodel and Addition Project for:

Jeff Eget

45 E. Tuscarora Road
Crystal Bay, Nevada
APN 123-136-02

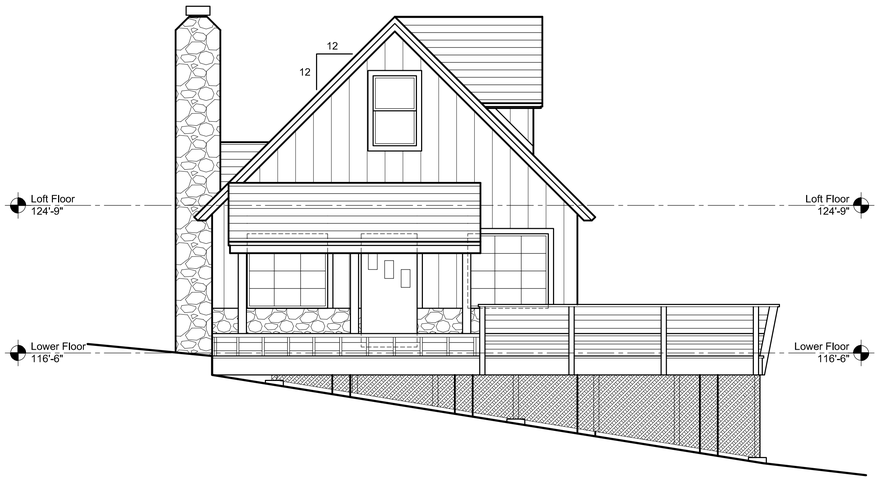
Revision	Date

Date	August 15, 2016
Drawn	JPB
Scale	1/8"=1'-0"

Proposed Site Plan

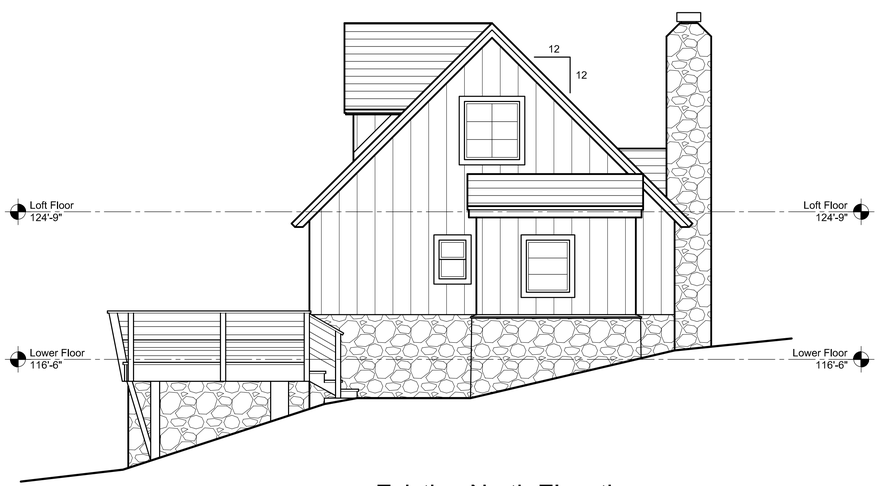
A1.2

VA16-006
EXHIBIT D

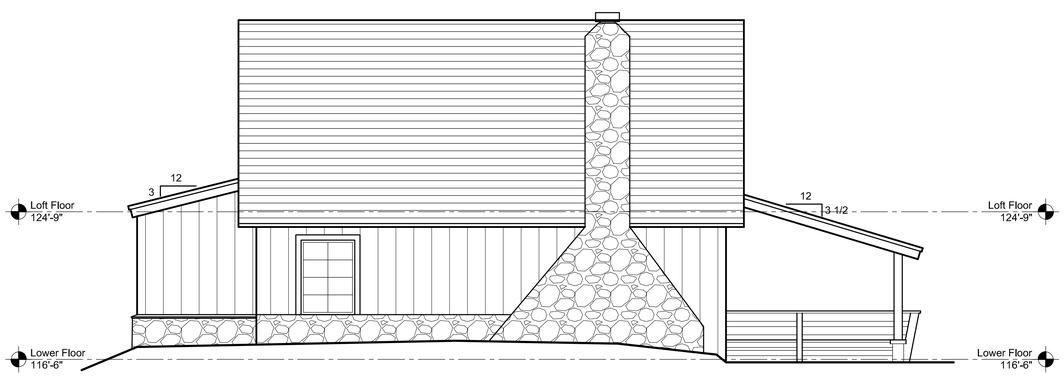


Existing South Elevation

Existing East Elevation



Existing North Elevation



Existing West Elevation

borelli
ARCHITECTURE

JAMES P. BORELLI, AIA

775.831.3060 office
775.833.3919 fax

POST OFFICE BOX 6823
INCLINE VILLAGE, NV 89450

jim@borellarchitecture.com

A Remodel and Addition Project for:

Jeff Eget

45 E. Tuscarora Road
Crystal Bay, Nevada
APN 123-136-02

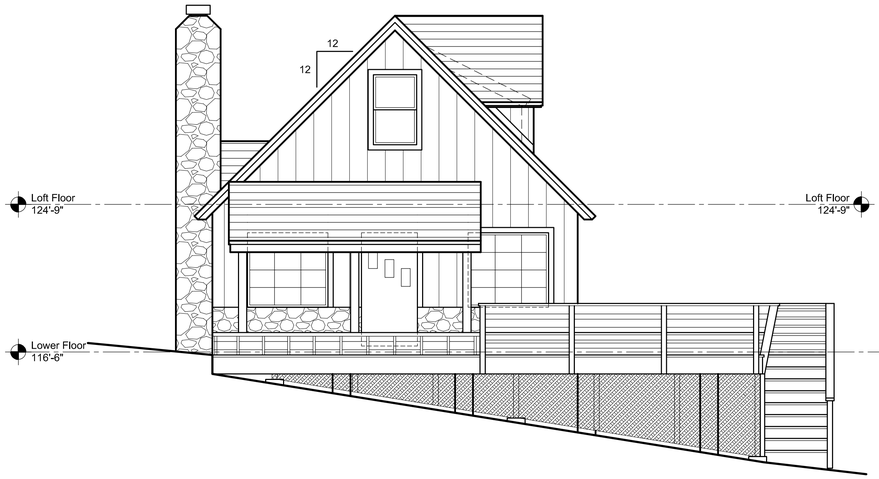
Revision	Date

Date	August 15, 2016
Drawn	JPB/RH
Scale	1/4"=1'-0"

Existing Cabin Exterior Elevations

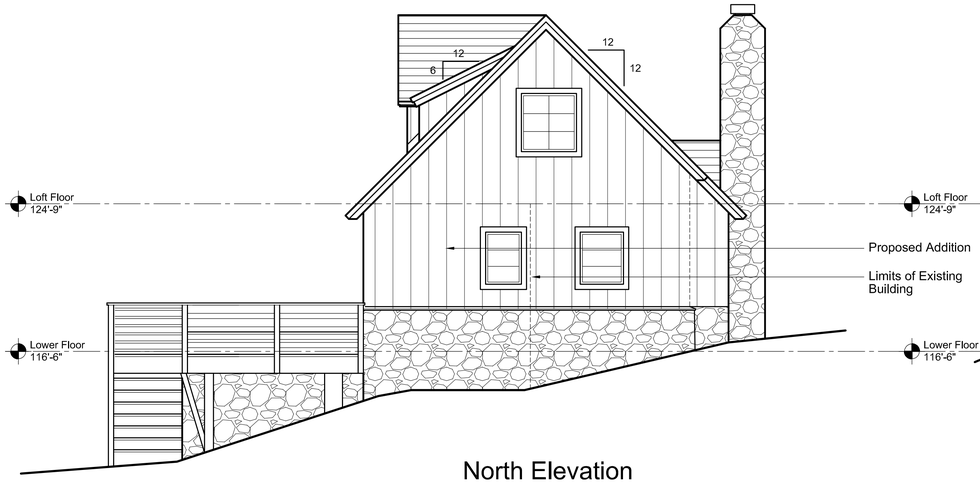
A2.1

VA16-006
EXHIBIT D

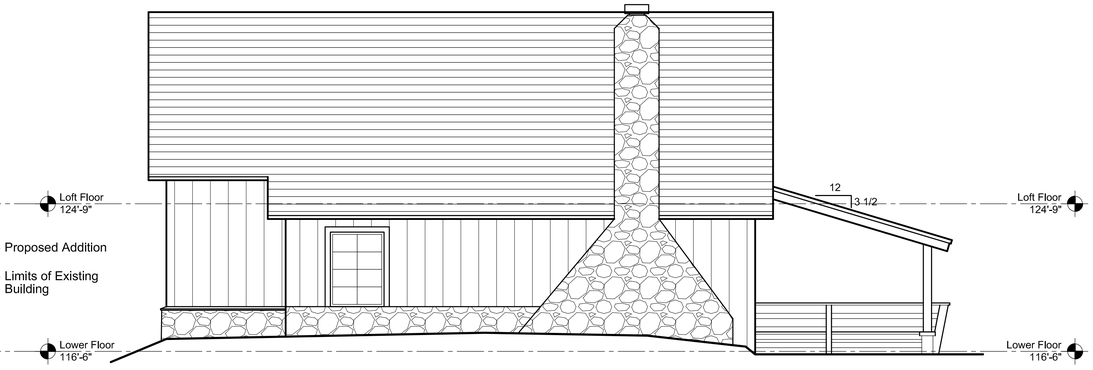


South Elevation

East Elevation



North Elevation



West Elevation

borelli
ARCHITECTURE

JAMES P. BORELLI, AIA

775.831.3060 office
775.833.3919 fax

POST OFFICE BOX 6823
INCLINE VILLAGE, NV 89450

jim@borelliarchitecture.com

A Remodel and Addition Project for:

Jeff Eget

45 E. Tuscarora Road
Crystal Bay, Nevada
APN 123-136-02

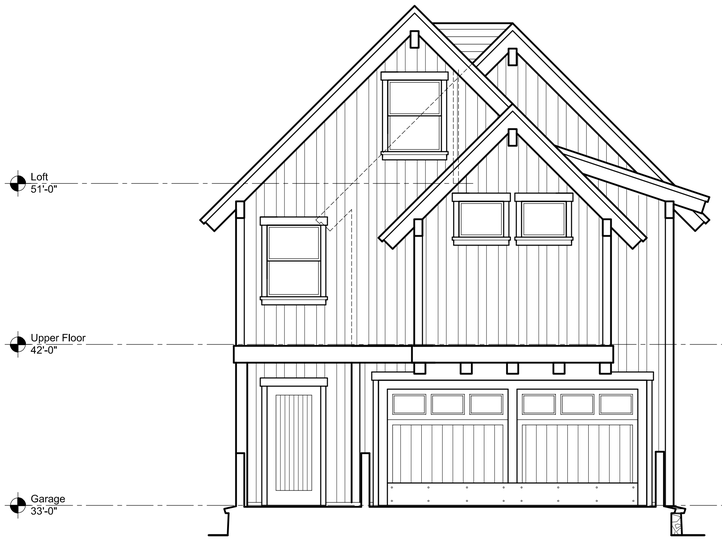
Revision	Date

Date	August 15, 2016
Drawn	JPB/RH
Scale	1/4"=1'-0"

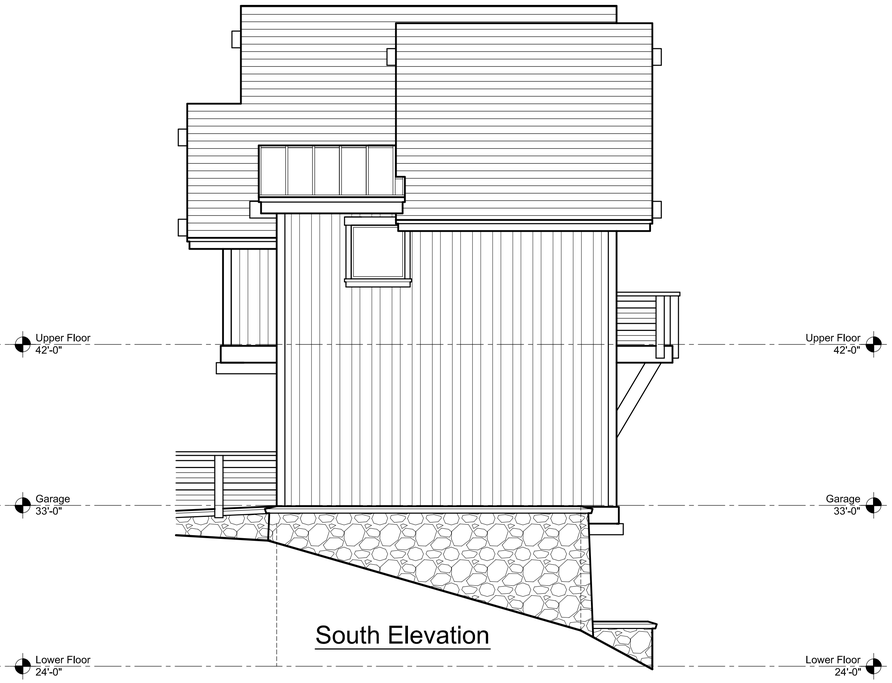
Proposed Cabin Exterior Elevations

A2.2

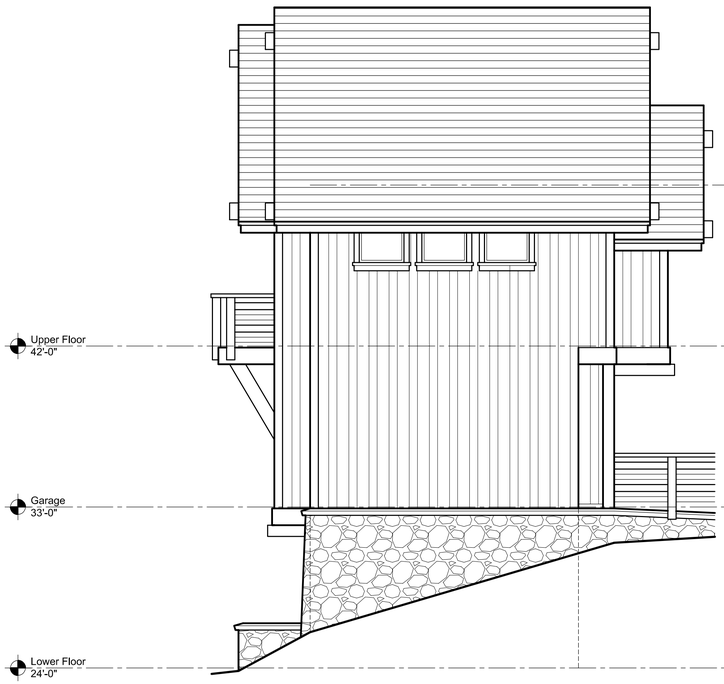
VA16-006
EXHIBIT D



West Elevation



South Elevation



North Elevation

East Elevation

borelli
ARCHITECTURE

JAMES P. BORELLI, AIA

775.831.3060 office
775.833.3919 fax

POST OFFICE BOX 6823
INCLINE VILLAGE, NV 89450

jim@borellarchitecture.com

A Remodel and Addition Project for:

Jeff Eget

45 E. Tuscarora Road
Crystal Bay, Nevada
APN 123-136-02

Revision	Date

Date	August 15, 2016
Drawn	JPB
Scale	1/4"=1'-0"

Proposed Garage Addition Elevations

A2.3

VA16-006
EXHIBIT 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: Brian and Terry Nelson	Phone: (775) 831-4194
Address: PO Box 1374	Fax:
464 Teresa Ct.	Email:
City: Crystal Bay State: NV Zip: 89402	Cell:
Original Application Number: VA16-006	
Project Name: Eget Residence	
Project Location: 45 E. Tuscarora Crystal Bay, NV 89402	
Date of decision for which appeal is being filed: 10/6/16	

State the specific action you are appealing:

the approval of the variance application

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

see attached 15 pages

For Staff Use Only

Appeal Number:	Date Stamp
Notes:	Staff: _____

Appellant Information (continued)

Cite the specific outcome you are requesting under the appeal:

revoke/reverse the approval of the variance and follow county rules

State how you are an affected individual entitled to file this appeal:

- immediate neighbor
- see attached 15 pages

Did you speak at the public hearing when this item was considered? I was prevented from doing so by county employees	☐ 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, Brian Nelson and Terry Nelson, 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.

Brian Nelson

Signed Terry Nelson

Address 464 Teresa Ct. Box 1374
Crystal Bay, NV 89402

Subscribed and sworn to before me this 18 day of October, 2016.

Brandie Martin
Notary Public in and for said county and state

My commission expires: 12/16/2017

(Notary stamp)

BRANDIE MARTIN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 05-100496-2 - Expires December 16, 2017

STATE OF **NEVADA**)
:ss.
COUNTY OF **WASHOE**)

This instrument was acknowledged before me on 12/16/2017 by
Brain Nelson and Terry Nelson

Brandie Martin
Notary Public
(My commission expires: 12/16/2017)

BRANDIE MARTIN
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 05-100493-2 - Expires December 16, 2017

10/5/16

TO: Washoe County Board of Adjustment

FROM: Brian and Terry Nelson
P.O. Box 1374
464 Teresa Ct.
Crystal Bay, NV 89402
Parcel #: 123-136-03

RE: Case #: VA 16-006 (Eget Residence) in Commission District #1
Parcel#: 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Board of Adjustment:

We would like to make our disagreement with the staff planner's recommendation regarding this proposed variance part of the record. Please find attached our original letter of objection to multiple facets of this incomplete and not yet clearly defined variance request. We would like to present the Board of Adjustment with the following facts surrounding Eva Krause's handling of this file in preparation for your hearing:

A month ago, when the county was notified of our objections both by phone and in writing, we were assured that all of our concerns would be addressed and responded to in a fair and objective manner. Trevor Lloyd advised us at this time that this applicant had in fact submitted a request to build a second residence on this property. We were thus instructed by him that our questions regarding the review process for this incomplete application could not be answered until the applicant submitted the remaining missing items which included a special use permit and floor plans. We were told that we would remain in the loop as the completion of this application progressed. At this time, Trevor also verified that the fence on the property was erected illegally without a permit on the property, and that the sauna that we brought to his attention was also in violation of county codes. We also made him aware of un-permitted improvements being erected within the three front setbacks and the county right of way. A few days later when no one got back to us and we called back again, we were advised that Eva Krause already had a well established long term relationship with these applicants, as she had met with and spoken to them on many occasions prior to this application being submitted. We were advised that Eva Krause would be contacting us to discuss the file, per our request to speak to her and to meet with her. We were told that the county's policy was that if they met with one party that they would meet with all parties, so to remain objective.

The county never got back to us, and our emails were responded to only by automated responses that Eva was on vacation returning 9/13. We called back and asked that the file be reassigned to someone that was available so that both we and the county could properly prepare for the hearings, but we were told no, and that we had to wait for Eva. The only feedback we got from Eva when she returned from vacation was a short email which stated that we got the same variance 20 years ago, and that she was noting this in her report. She did not address any of our specific concerns other than a general and dismissive statement saying that the points we brought to her attention did not matter. She then proceeded to defend an un-

permitted fence that she had not even seen, while telling us we were wrong about specifics of the code related to this fence. To date we still have not received an explanation or response from the county as to why an illegal un-permitted fence which so obviously blocks a driver's ability to see as they drive around these dangerous corners is being so vigorously defended by a county planner. I was advised by the county that only code enforcement had authority over such matters, yet Eva Krause has made it a point in her emails to me and in her staff report for this variance that the fence is "just fine where it is." Eva never did call us or meet with us as we had requested, and as we had been promised; even though she admits meeting with the applicant.

Why were we not notified about the definite scheduling of the CAB meeting? The county's mailer says that notice will be sent when tentative public hearings were scheduled for sure. When I inquired with Eva as to why no notice was sent to us when we had specifically requested it, she said that the CAB meeting was not a "public hearing." We would like it noted for the record that she later describes this CAB meeting as a "public hearing" in her staff report. It is also very suspicious how Eva Krause handled the public comment letters. Trevor Lloyd promised me on 8/29 that he would send our letter of objection to the CAB meeting; in fact he even suggested it and I thanked him agreeing that this was a good idea. However, when Eva took over the file and then left on an immediate two week vacation no one ever followed up with us on this. When we did not receive notice as we were instructed that we would about the definite scheduling of the CAB meeting, we discovered last minute by going on the county's website that it in fact had been set for sure on 9/26. By that point, we had already retained an attorney who works out of Reno to advise us on the matter of this variance, and it was too late for all of us to make it to this meeting.

Because we had never received confirmation from the county that our letter had in fact been sent to CAB, our attorney advised us to send it to some emails that I found for CAB on the county's website and to copy Eva asking her to confirm that she had in fact already sent it. Eva's immediate response was that we should not have sent it to CAB and that she was now going to send all of the public comments to CAB. She never did answer our inquiry as to whether our letter had been sent to CAB previously as Trevor promised it would be. We never received either a response or confirmation of receipt from any of the emails that we sent this to. We believe that the answer to this question may be obvious based on the fact that once we did as our attorney instructed, Eva very quickly obtained and sent in three other public comment letters to CAB. It was very suspicious to us when we later discovered that our letter was the only one voicing objections to the approval of this variance. Why did Eva Krause work so hard at collecting and sending these other letters last minute to CAB when no one was requesting that she send their letters in but us?

Eva Krause advised us by email that the staff report would not be available for review by us until after the Board of Adjustment hearing on 10/6/16. The only reason that we even obtained a copy is because we continually checked the county's website looking for it. Now that we have finally had a chance to review this report the day before the hearing, we would like to submit for the record the following observations, objections, and discrepancies:

The still incomplete application only shows floor plans for two of a total of four stories of this large second house being proposed. There is still no special use permit attached, as we were instructed was necessary and required by the county. It appears as though the county is asking the public to believe that the applicant will continue to live in a 700 sq.ft. cabin with no

laundry facilities or a garage, and not actually move into a 2,000 sq.ft. plus brand new lake view home where his garage, laundry, multiple bathrooms, exterior decks, bedroom, exercise room, and living areas would now be located. This second home will be nearly four times the size of the existing cabin. Who at the county is going to ensure us that the owner will be prevented from moving into this far superior second residence? This is not only not enforceable, but not even believable. It took Trevor Lloyd less than 5 minutes on the phone with us to insightfully recognize that the applicant was actually requesting that the county let him build a much larger second four story house on this property. Why has Eva Krause now changed the county's position on this, and appears to helping the applicant to disguise what this actually is? Eva Krause is still describing it as "a detached accessory structure to be used as a garage," She then says that the applicant just wants a few extra plumbing fixtures so that the bedroom, office, exercise room, living areas exterior decks (all with premium lake views that Eva says the codes do not prohibit them from having) are "more comfortable to use."

The staff report does not even match the applicant's variance request in multiple areas. For example, the applicant has requested a variance on the Wassoe setback from 20' - 14.5'; however Eva's just released report now states that this variance request is for from 20' - 7'. Which is it? And if a change has been made, why haven't the drawings been revised? Because we have never been given any feedback, the public has no way of knowing what is actually being requested here. Eva's statements also do not match the variance application or drawings. For example, Eva describes the applicant's request to add a "1/2 bath" to the existing cabin as being the reason for the variance request on the north side setback. In fact, the applicant's paperwork shows not only a large second full bath being added, but also the entire north side wall of this cabin being increased in size by 3'. She also fails to mention the main reason for the north side variance request is to facilitate the building of the second four story house at the opposite end of the property.

To date, Eva has only responded to about half of the concerns we brought to her attention; and here are additional problems that exist with her limited responses:

We pointed out correctly that this lot is not steep, per the county's own definition. Eva is no longer commenting on her erroneous past statements, but is now saying that if a street was currently built in the county that this grade would not work. Why will Eva not just admit that the lot, per the county's own definitions and codes used for the purpose of variance determination, is not "steep"?

We pointed out that the code says once you choose ingress/egress, you can not change this with later development. This is especially true when the new site of construction is not superior to the site of the existing construction. Please explain where in the code that this is being allowed, as we have requested.

We have correctly pointed out that this cabin has no historic value for the county to protect; and thus, the applicant is really just choosing not to expand the existing residence. Why has Eva not recognized this fact per the county's own definition of "historic value" for the purpose of variance determination that this is the case? Instead she continues to grasp for straws to hold on to this ludicrous attempt to create a hardship for the applicant by saying that the "Secretary of the Interior says that this property is potentially historically significant," and that the "owner likes it."

Eva goes on to defend the applicant's right to completely disregard all of the county's restrictions currently in place on this parcel by saying that he "just wants to keep the cabin, enlarge an undersized bathroom, and add a garage." No one who spends any time looking at these plans would agree with this misleading statement. But even more importantly, why is a county planner defending a private party's right to violate so many county rules, when she is employed to uphold those very requirements?

Eva continues to defend the illegal un-permitted fence and un-permitted improvements being made in the county right of way on this property. All one has to do is come to the site and observe how all of the obstacles being added daily including fencing, plantings, firewood piles, saunas, etc, in these setbacks/line of site triangles have created a dangerous situation here that we have advised the county poses a public safety threat. The latest addition has been a 4' high dirt retaining wall about 20' in length encroaching on the neighboring property, which was recently built via this applicant's illegal trespass onto our property. If the county had done something to correct all of these violations a month ago when they were made aware of them, the situation here would not be nearly as serious as it is now. This out of state second homeowner applicant is completely unconcerned with the rules and regulations that exist here as a direct result of the county's inaction. Why has this been allowed to continue unchecked while the county has had multiple employees visit the site? Has Eva Krause misrepresented the true situation that continues to unfold and evolve here daily to her employers at the county?

Regarding other public comments: We would like it noted for the record that we were the only ones who's background was checked. We were also the only ones told that we were wrong, and that our comments did not matter. There were only three other public comments besides ours, and they all consisted of one paragraph last minute general statements with no details or facts from people who have little or no stake in this variance, are tenants, or in one case who's comments are not even related to the matter at hand. What does a "dogs at large" complaint have to do have to do with this variance process? We have our suspicions that this planner has attempted to color our objections unfavorably while ignoring the law. We would also like to point out for the record that Mr. Mayo's irrelevant comments were incorrect, as he was fined as a result of the dog complaint that Eva has made part of her Variance Staff Report. All Ms. Krause had to do was simply check the county records to confirm this as it is a matter of record; which she clearly did not do. Please ask Eva Krause how and why this completely separate and unrelated matter became part of these proceedings; especially in light of the fact that Mr. Mayo is not even an "interested party" per the county's definitions because he lives so far away from this property.

Eva Krause did not even take the time to get her facts straight when she investigated us. Her characterization of our construction was that it was a teardown/rebuild. For the record, it was actually new construction. Ms. Krause could have easily looked this up while she was digging though the rest of our records so that she got it right. For the record, our variance was requested and granted because of the encroachment into the setback by the adjoining property; which made it necessary in order for us to be able to construct our home. Not that it is in any way relevant to these proceedings, but our circumstances and our property have nothing in common with the property that is the subject of the current variance request now 20 years later. Please ask Ms. Krause to explain why this background investigation on only us, which resulted in erroneous and irrelevant information being made part of the public record on this applicants variance by her, was done at all?

Eva Krause has made multiple inaccurate statements in her staff report. For example, she states that the bear box for this applicant's property had to be placed on Teresa Ct., because the garbage truck could not stop on Tuscarora due to safety concerns. Neither the neighbor who owns this property or the garbage pickup company perceives that there is a problem here. Nothing regarding this issue was even mentioned by the applicant. So, as there is clearly no problem here, why is Eva Krause trying to create one? Eva has admitted having visited the site, at which time all she had to do was look across the street to see the neighbor's bear box immediately across the street from this property on Tuscarora. Please ask Eva why she continues to make so many false and misleading statements, which one could construe as an attempt to promote and defend the approval of this applicant's variance.

Why have we been very effectively prevented from being part of this process, when people's irrelevant erroneous comments have been promoted, supported, and defended, and made part of this process? Please ask Eva Krause to explain this. If Eva had just communicated with us as we requested, we could have explained our points, and helped her to avoid the inaccuracies that now plague this report. A planner can not possibly be objective unless they hear all sides of a situation; as Trevor Lloyd pointed out when he told us that the county's policy was to speak to both the applicant and us so that he could remain objective and fully informed. Why would Eva Krause proceed to communicate with everyone but us in this circumstance regarding this particular variance? The outcome of this variance process has a more direct affect on us than on any of the other surrounding property owners; and we feel that our voice has been effectively silenced by Ms. Krause's actions. Why are we not being treated fairly?

The planning process exists to protect the public interest, and this planner is advocating for a private property owner who's objectives are not legal or consistent with the public interest. The approval of the construction of this four story second residence within only 12' of buildable space will not benefit anyone but the applicant. The planning process must be fair and honest because private interests conflict with public interests; especially in the context of the unique circumstances of this case. Ms. Krause's arguments in support of it only represent a small part of the story and depict deeply flawed inaccurate representations on many levels.

This lot is not unusually narrow or steep, and is not unfairly encumbered with overly restrictive setbacks and safety lines of site as Eva Krause would lead us to believe. Eva also continues to distort the facts when she makes a point about how narrow Tuscarora is. The fact is that all of the streets in Crystal Bay are narrow; so narrow that when cars are parked in a 10' driveway like the one proposed by this applicant on Teresa Court, that we can barely pass to exit our cul de sac. We advised Eva that we know this to be true because of the similar driveway immediately adjacent to the proposed one that already creates this very dangerous hardship for us. We also told her that the already dangerous and congested situation created by the three cars lined up consistently and regularly at this busy vacation rental would be exacerbated by this variance, which if granted would add two more cars lined up and protruding into the road on this already dangerous corner. Eva advised us that this was irrelevant, that it did not matter, and that she would not take it into consideration in her decision.

This owner is not being treated unfairly by not being allowed to build on the "premium view side of his lot" regardless of Eva's statement to the contrary when she erroneously points out to that the county codes do not prevent him from doing exactly that on this particular lot. Mr. Eget knew when he bought this lot that he would not be allowed to do what he is now requesting. The unique circumstances immediately adjacent to this lot are unlike any in the immediate area,

and the county has properly restricted it's development to protect the public interest and the integrity of the planning process. The granting of this variance would give this private party applicant special privileges at everyone else's expense. The issues that we have raised regarding these unique and complex circumstances are material to the discussion regarding whether or not this variance would constitute an appropriate use of this parcel, contrary to Ms. Krause's written opinion that our points do not matter.

A garage with a 10' long driveway located where this one is proposed would result in people backing out blindly into one of the most dangerous corners in Crystal Bay. The location of this particular driveway would also mean that when cars are parked in this driveway that they would already be protruding dangerously into this corner. This would also cause the lineup of cars in these 10' driveways sticking out into the road to go from 3 to 5 when you consider that this dangerous situation already exists at the adjoining busy vacation rental to the immediate north of this property. This is certainly not serving the best interest of the public, let alone us. Remember that three setbacks along with standards regarding safe length for driveways would all have to be violated to accomplish this egregious task; there is a reason why you would have to break so many rules to create this dangerous situation. The rules and restrictions all exist for a reason, and need to be upheld and enforced. If the county has allowed something similar to this somewhere before, as Eva eludes to, then it certainly does not qualify as a safe application in this specific situation. Eva Krause, per her staff report, would have you believe that all of this can somehow be mitigated by simply requiring the owner to install an automatic garage door opener!

Eva also once again incorrectly characterizes this as a "garage with a second story." Please, can't we just call it the four story house that is clearly depicted in the drawings submitted by the applicant himself? It is simply not believable that you need a four story garage if your intent is only to to enclose two cars and to store some stuff in your "accessory structure" as Eva Krause describes it. It is quite obviously a large four story house with a 2 car garage. This is an unauthorized use, despite Ms. Krause's well thought out and hard fought attempt to paint it otherwise. We seriously doubt that the county has ever granted permission for a series of violations of so many rules at once under similar circumstances through the use of "blanket precedent." General precedent which does not take into account the unique special circumstances of this specific individual application can not be applied in this case by Eva Krause simply because it is convenient for her; per the rules within the Board of Adjustments Policy Manual itself.

The granting of these variances would also cause the destruction of one of the only remaining healthy old growth sugar pines in the entire area. Thus, this second house would not only exacerbate already existing clutter, nuisance issues, aesthetics, safety concerns, and general issues related to overpopulation of this immediate area, but also would serve to degrade the integrity of the natural environment. The creation of such congestion in such a small area by adding a second residence to this small lot does not serve the public good in any way; in fact it harms the public good. There is a reason why the existing residence on this property was built on the East side of this lot; both the builder and the county got it right the first time around. If the county determines that this request to violate all these rules is acceptable, then why have any rules at all? NRS 278.300 states that a variance should not impair the intent and purpose of any code or resolution.

We thus submit, once again for the record, that this private owner has no legitimate defendable hardship, regardless of what Eva Krause would lead you to believe, and that he is making a purposeful optional choice not to simply expand his already existing residence to meet his needs. The only unique circumstances that exist regarding this lot that are material to this variance process actually support the necessary existence and enforcement of the current three front yard 20' setbacks and all of the related safety and line of site codes associated with permitting requirements, unobstructed yard codes, safety line of site triangle ordinances, etc. on this lot. None of these unique and necessary requirements pose a hardship to the owner of this property, but instead are in place to protect all of us. It is the county's special duty to make sure that they remain in place due to the unique and serious protective role that they play specific to both this parcel and what exists and occurs immediately adjacent to it.

County permission granting the violation of all of these rules would negatively affect our safe and peaceful use of our primary residence, not only harming us but also the public at large. The planning process is supposed to exist to serve the public interest, and Eva Krause has failed in her special responsibility as a planner to accomplish this. She has given the appearance of aligning herself with the private interests of one private property owner who is the only one that stands to gain if Eva is successful in her attempt to set aside all of our communities rules to his benefit. Eva Krause has not fairly, honestly, objectively, or transparently processed this file. This has resulted in a biased judgement that has not taken into account all sides of this very complex story. Not only did she not have all the relevant material information available to make a fair and objective decision, but neither did we; because she effectively prevented us from playing a meaningful role by not respecting and facilitating our right to participate.

There simply is not any relevant precedent to apply to the very unique circumstances that surround this situation. Per the Board of Adjustment Policy Manual, planners "must examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation." As we are two of the few remaining year round residents in this area, who have lived at our home located no more than 50' from this property for almost 20 years year round, if Eva had just contacted us, spoken to us, and met with us as we were promised we could have explained...

When this file is looked at objectively and independently while taking into account the specifics of this parcel as required, it becomes readily apparent that none of the four required findings exist that would authorize the Board of Adjustment to grant this variance request:

- There are no special circumstances that create a hardship for this owner. The unique circumstances surrounding this property in fact support the need for the existing restrictions to be enforced and upheld as they currently exist.

- If this variance were granted it would harm the public good; and would definitely impair the intent and purpose of the development code.

- If this variance were granted it would give special privileges to the private party who owns this lot at everyone else's expense. We would in fact be the ones being treated the most unfairly by this because it would so severely negatively affect our safe and peaceful use of our own property.

- When this request is recognized for the four story second residence that it truly is; it will also become clear that it is an unauthorized use.

We simply don't understand why all of this is being allowed. These are all clear violations, and Eva Krause is ignoring all of this. Eva Krause is supporting what appears to be an extreme and purposeful abuse of county discretion; this is very concerning. These rules and restrictions all in place to protect the public interest, and it is the county's job to make sure they are adhered to. When a planner becomes so extreme as to describe this lot as being "encumbered with three overly restrictive 20' setbacks" which she believes somehow create a hardship for this private property owner, and then goes on to advocate for this applicant by using this as a way to defend his attempted violation of virtually every restriction that exists on this lot, you have to ask yourself why this is occurring. These restrictions are properly in place to protect us and the public at large, who without them would experience extreme hardship. Why is a county planner working so hard to defend one private property owner's right to go against so many rules and regulations on this one very uniquely and properly restricted parcel? Please ask yourself, and ask Eva, WHY?

8/29/16

TO: Washoe County Community Services Department
Planning and Development
P. O. Box 11130
Reno, NV 89520-0027

FROM: Brian and Terry Nelson
P. O. Box 1374
464 Teresa Court
Crystal Bay, NV 89402
Parcel # 123-136-03

RE: Case # VA16-006 (Eget Residence) in Commission District #1
Parcel # 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Planning and Development:

In our review of the Washoe County Development Code as property owners directly effected by the proposed building permit application, we present the following observations and objections for review by the Department of Community Development:

Simply by viewing the depicted drawing of the proposed three story second dwelling residence (they are also requesting a basement), being referred to as a "detached accessory structure" or "garage," one can quickly ascertain that what is actually being proposed here is the construction of a second residence on this parcel. This second residence doesn't qualify as an accessory dwelling unit (as the owners representative accurately points out) because it is proposing "more than one sink and one toilet." As stated in the proposed application, "Article 220 (Tahoe Area) still limits allowable plumbing fixtures to 1 toilet and 1 sink." This is just one of multiple variances being requested, including the request to completely disregard setbacks on all sides of this property. Their seems to be a perceived entitlement to all of these changes stemming from a tiny bathroom addition permit obtained by the previous owner many years ago (permit # 99-6297 finalized 8/31/00).

The proposed application asks that every single existing setback restriction be eliminated and virtually ignored, as this "second residence" is constructed on the "premium view" side of this tiny and irregularly shaped lot. The required setbacks have been clearly defined in the code so that there can be no confusion: "Washoe County Development Code, Section 110.406.25 Unobstructed Yards" states "any yard required by the Development Code shall be open and unobstructed from the ground to the sky..." "Section 110.406.30 Front Yards, item (c)" further states that "all yards abutting streets shall be considered as front yards." Thus, the minimum setback requirements of this parcel are 20' on a total of three sides of this property.

This property is within master plan Category Suburban Residential/Regulatory Zone MDS. This is intended for low to medium density uses. When referring to the MDS Density/Intensity Standards Table 110.406.05.1 that the development of this property is subject to, it clearly lays out the following facts: 1) dwelling unit per acre stated as du/ac are 3h, 2) minimum lot size is 12,000 square feet, and 3) minimum lot width is 80'. The MDS Regulatory Zone is intended to

create and preserve areas where multiple dwelling units are only allowed at a rate of 3/acre. This extremely small lot is only .19 acres. Minimum square footage of a lot must be 12K sq' and this lot is only 8,351 sq'. Minimum lot width is also required to be 80' and the Teresa Court side of this property where the proposed second residence would be located is only 40' wide (with only 12' of buildable space once the required setbacks are met). "Section 110.406.45 Lot Width, item (a)" states "modification of this standard must facilitate superior building sites. This modification may not be granted for subsequent development of the same parcel."

We would also like to point out the relevance of Washoe County Development Code Section 110.406.30 when considering this application. Please see the issuance and completion of building permit #99-6298 finalized 8/31/00, which resulted in the construction of an enclosed garage with storage above it and a driveway adequate to provide off-street parking. This Section states: "After Development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot."

In further response to the proposed application, we would like to point out that the adjoining residence is not properly and accurately depicted on the drawings submitted. The footprint of this dwelling does not present the true circumstance that exists on this lot. This residence pops out 2' in all directions from the footprint in such a fashion that when you also take into account the roof/eves, it is abutting the property line on multiple sides. This "0 lot line" situation has resulted in an already overly congested area; from aesthetic, nuisance, and safety perspectives.

Due to the consistent and regular use of the adjoining parcel at 460 Teresa Court as a vacation rental, Teresa Court is already a congested street with safety concerns. The short driveway at this busy rental property (much like the one proposed be added to the subject property only a few feet away) has resulted in 3 cars lined up and extending well into the road on a regular basis. Renters of this property (that usually exceed 8 to 12 at a time), often proceed to line Teresa Court with cars that won't fit in its tiny driveway. This situation has been so extreme at times as to cause renters to be cited for completely blocking the roadway. In light of Teresa Court being a cul-de-sac with no other way out, the risk to our safety becomes even more serious in the event of an emergency.

If this second home at the "Teresa Court end" of the subject property is allowed to be erected, it will exacerbate this congestion, not only increasing the nuisance issues immediately adjacent to it but most importantly making it a much more dangerous corner for those of us trying to get in and out of Teresa Court than it already is. The proposed plans for the subject property depict a driveway very similar in dimensions to the one described above on the adjacent property. This would result in not only 3 cars lined up side by side extending out into the street, but will now add a few more to the lineup even closer to this dangerous corner where so many problems exist already. The Variance Application submitted cites "limited coverage" as being a legitimate reason to create a very dangerous situation by overdeveloping this property. The thin treacherous roads in Crystal Bay are hard enough to maneuver around in hazardous winter conditions without adding all of these obstacles.

The owner's representative describes the subject parcel as "quite steep" and claims that this is a severe hardship. Section 110.106.15 defines "slopes" as having being "moderate" in the 15 - 30% range. This lot presents as 16%, which barely qualifies as moderate, let alone "steep;" which is defined as greater than 30% slope, per county code. The 16% slope on this lot should frankly be the least of the concerns when contemplating the safe development of this parcel.

They are also arguing that there is "historic value" that was taken into account in their decision not to modify/expand the existing 1936 small cabin that currently exists on the lot. This building is not listed on any national or state registry's of historic places. "Washoe County Code Chapter 110, Article 220, Tahoe Area" is designed to "preserve buildings and sites which have been listed on a state or national registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners's efforts to preserve the historic or landmark value of the property..." Thus, to argue that simply the age of this structure somehow provides for it to get preferential treatment is ludicrous. There are no historic or landmark values associated with this property that extend beyond the apparent nostalgic opinion of only this applicant.

The applicant has stated in the submitted documentation that no CC & R's exist that are material to the matter at hand. For the record, we would like to submit the fact that the "creation of a nuisance" is in violation of the CC & R's. This proposed permit, if granted, would at a minimum create a nuisance; in direct violation of our communities CC & R's of public record.

Specific parcels are appropriately designated to have limitations and restrictions tailored to the situation that each individual unique parcel presents. The owner of this parcel is attempting to make this lot something that it is not without regard for rules, regulations, and public safety. We applaud and support the county in the well thought out restrictions that currently exist to control activity on this parcel; both they and the original builder got it right when the existing residence was erected which pretty much maxed out this lot's potential for development while adequately protecting the public.

The fact of the matter is that the owner of this property, who knowingly purchased a "virtually unbuildable" small unusually shaped lot (which was priced accordingly), is now attempting to claim that this fact is somehow a hardship to him. Instead of choosing to either modify the existing residence while remaining within county code requirements or to sell the property and purchase something that better meets his needs, he has chosen to instead challenge every aspect of what the Washoe County Development code was designed to protect against. It appears from a perusal of the public records that the existing residence could easily be modified in accordance with county codes and regulations to meet their needs without sacrificing public safety. He is currently making a conscious choice not to pursue this safe and legal avenue.

We are asking that the County require adherence to all building standards that must remain in place to protect the health, safety, and welfare of not only the residents, but also of the public who uses the adjoining roadways. We would like to thank the County for their detailed and well thought out master plan and enforceable codes, that were designed to prevent severe inappropriate building that sacrifices not only the aesthetic appeal of our community but also more importantly public safety. In light of the fact that the proposed permit application is not consistent or compatible with the Washoe County Development Code on numerous levels, we respectfully request that the county please deny this proposed application, as required.

Before the county closes out the file on this parcel, we would also like to request that the recently erected fence be removed due to it being out of compliance with the "Obstructions to Vision" clause that states: "There shall be no fences or other obstruction to vision more than eighteen inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety."

Please also require the removal/movement of the Sauna recently placed on the property that represents yet another violation of County Codes. We are being advised that this Detached Accessory Structure is not allowed to be placed within any setbacks. Per code, this is not allowed within any of the three existing front setbacks, and is only allowed in the remaining setback on the north side if it is at least 5' from the property line.

We intend to vehemently object to this proposed permit to the fullest extent that the law allows. The granting of this permit would effectively prevent us from experiencing the safe enjoyment and peaceful use of our property, to which we are entitled under the laws of our community and our state, as it would simultaneously prevent all those who drive on E. Tuscarora and Teresa Court from having a safe line of site traveling up and down these roads. These thin roads are already hard to safely maneuver without obstructing the limited visibility that currently exists.

We believe in our community and it's rules, regulations, ordinances, and laws that have been put in place to protect us all from situations exactly such as this. We intend to fully cooperate with the county with regards to their investigation of this request and look forward to working with them to establish the true hardship and harm that this request, if granted, would place not only on us, but also upon the entire community and the public who uses our roadways. Thank you in advance for your prompt time an attention to this very important matter; that affects the quality of life for all of us. Now that the County has so appropriately brought this to our attention, please know that it is of the utmost priority to us; and we will be happy to answer any questions and/or provide any additional documentation to the County that they deem necessary in the process of rendering their decision.

Sincerely,

Brian and Terry Nelson
464 Teresa Court
Crystal Bay, NV 80402

Washoe County Citizen Advisory Boards
CAB Member Worksheet

Citizen Advisory Board: IVCB CAB
Meeting Date (if applicable): September 26, 2016
Topic or Project Name (include Case No. if applicable): Eget Case # VA16-006

Washoe County Planner Trevor Lloyd

Please check the appropriate box:

My comments X☐ were (or) ☐ were not discussed during the meeting.

Identified issues and concerns:

On September 26, 2016, I was the lone dissenting vote on the Incline Village Crystal Bay CAB.

The published agenda for the CAB meeting listed the requested variances/proposed uses in the following order:

Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance to 1) reduce the front yard setback along Wassou Road from 20 feet to 14 feet 5 inches to allow for a storage addition below the existing deck, 2) to reduce the front yard setback along Teresa Road from 20 feet to 10 feet to allow a detached garage addition, 3) to reduce the front yard setback along Tuscarora Road from 20 feet to 8 feet to allow for a detached garage addition and 4) to reduce the north side yard setback from 8 feet to 5 feet to allow for a bath addition and deck rebuild at the existing residence and 5) to reduce the north side yard setback from 8 feet to 5 feet for a detached garage addition. (This is somewhat different than the order of items listed in the application.)

Referring to the numbered variance items as listed in the CAB meeting agenda, above, I would approve items only items No. 1 and 4, and deny the remaining requests, or require re-submission on the basis indicated below.

As I indicated during the CAB's discussion, I have trouble finding grounds for the variance in that the applicant already enjoys the use of a detached garage and accessory cabin along with substantial extra parking in the center of the parcel. The proposed variance placing a new parking structure with accessory living space at the uppermost and narrowest end of the parcel by Teresa Road and the corresponding removal of development from the center of the parcel will have the effect of creating two disconnected nodes of development at each end of this small lot. By doing so, it appears that the applicant is maximizing the need for variances to accomplish the desired uses and will accordingly leave the currently developed and less restricted center of the parcel undeveloped. In my view, a variance to facilitate development in the area where development has already occurred would make more sense than creating two nodes of development at opposite ends of the small parcel. Not mentioned in the discussion thus far is that the development of the proposed attached garage in the setback adjoining Teresa Road will apparently require removal of a substantially large, mature sugar pine tree. It would seem to be uncharacteristic and atypical to develop the parcel in such a way that two separated nodes of development will be created, requiring the greatest possible intrusion into setbacks, to develop a previously undeveloped area of the parcel, and leave the center of the small parcel vacant, where the existing development on the parcel has the detached garage and accessory cabin much closer to the primary dwelling. As a result, the proposed variance will result in two separate disconnected developments on this small parcel instead of one area of development.

Suggested alternatives and/or recommendations:

See above.

Name Andrew Wolf **Date: 9-29-2016**
(Please Print)

Signature: _____

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole. ****Due to Nevada Open Meeting Law considerations, please do not communicate with your fellow CAB members on items outside of the agendized discussions held at your regular CAB meetings.****

If you would like this worksheet forwarded to your Commissioner, please include his/her name.

Commissioner's Name: Birkbigler

Use additional pages, if necessary.

Please mail, fax or email completed worksheets to:

Washoe County Manager's Office
Attention: CAB Program Coordinator
Post Office Box 11130, Reno, NV 89520-0027
Fax: 775.328.2491
Email: cab@washoecounty.us

Washoe County Development Code
(Chapter 110 of the Washoe County Code)
Definition of Applications

Type of Application	Definition	Chapter/Article
Parcel Maps; and Second or Subsequent Parcel Maps	A parcel map is required for all minor subdivisions of four or fewer lots or common-interest units. If the application is subdividing a lot or lots created within five years from the creation of the original lot, a public notice card shall be sent to advisory boards indicating the review criteria and date and time of meeting.	110.606
Tentative Subdivisions	A tentative subdivision application is required for all proposed subdivisions of five or more lots and all common-interest units consisting of five or more units.	110.608
Variances	Standards within the Development Code may be varied (e.g. such as building height, setback requirements, landscape modifiers, etc.). Different standards apply in different land use designations. Typical requests are for lots with unique physical conditions that create a hardship (i.e. shape, topography, wetlands, public easements, etc.).	110.804
Use Permits	Civic, residential, commercial and industrial uses on a property may require a use permit. The type of use permit, if required, is noted on the *Table of Uses* in the *Development Code (110.302.05)*. **Administrative Permits** are approved by the Hearing Examiner and usually involve relatively small impacts from a use. A **Special Use Permit** may be required for a proposed project when the intensity or size of the project, traffic generation, noise, impact on public facilities or compatibility with surrounding uses or other impacts must be evaluated.	110.808 and 110.810
Development Agreements	Allows for any person having a legal or equitable interest in land to enter into an agreement with Washoe County concerning the development of that land.	110.814
Development Code Amendment	Provides a method for amending the Development Code.	110.818
Master Plan Amendment	Provides a method for amending the Master Plan (e.g. changes of land use).	110.820
Regulatory Zone Amendment	Provides a method for amending regulatory zone boundaries (i.e. zone changes).	110.821

Attachment F

WASHOE COUNTY
BOARD OF ADJUSTMENT
VA16-006 Draft Meeting Minutes

Board of Adjustment Members
Kim Toulouse, Chair
Clay Thomas, Vice Chair
Kristina Hill
Lee Lawrence
Brad Stanley
Carl R. Webb, Jr., AICP, Secretary

Thursday, February 2, 2017
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, February 2, 2017, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

8. Public Hearings

D. Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the side yard setback from 8 feet to 5 feet for a first floor addition on the main house and to expand the second floor to be in-line with the existing and proposed first floor additions; and 2) to reduce the side yard setback from 8 feet to 7 feet for the detached garage.

- Applicant/Owner: Jeffery D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1 – Commissioner Berkbigler
- Section/Township/Range: Section 19, T16N, R18E, MDM, Washoe County, NV
- Staff: Eva M. Krause, AICP, Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3628
- E-Mail: ekrause@washoecounty.us

Chair Toulouse opened the public hearing.

Eva Krause presented her staff report, dated January 12, 2017.

James Borelli with Borelli Architecture was present on behalf of the applicant. He stated that it was a relatively simple clarification to the previous approval and that Ms. Krause had covered it well. He was available for questions.

Chair Toulouse called for public comment.

Jeff Eget, the owner of 45 East Tuscarora, stated that Mr. Borelli could answer everything, but that if he could not, then Mr. Eget could answer any questions.

Pete Todoroff, Chairman of the Incline Village/Crystal Bay Citizen Advisory Board said that this was a very unusual situation. He hoped that the Board of Adjustment (Board) approved it.

Chair Toulouse closed public comment and asked the Board for any disclosures or discussion. There were none. He called for a motion.

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 approve Variance Case Number VA16-006 for Jeffery D. Eget, with the conditions of approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County Code Section 110.804.25:

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;
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;
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;
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.

Member Lawrence seconded the motion, which was approved unanimously with a vote of five in favor, none against.

.

WASHOE COUNTY
BOARD OF ADJUSTMENT
Meeting Minutes

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

Thursday, October 6, 2016
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 6, 2016, 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 1:31 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:	Eva Krause, AICP, Planner, Planning and Development Roger Pelham, Senior Planner, Planning and Development Bob Webb, Planning Manager, Planning and Development Nathan Edwards, Deputy District Attorney, District Attorney's Office Donna Fagan, Recording Secretary, Planning and Development

2. *Pledge of Allegiance

Chair Lawrence led the pledge to the flag.

3. *Ethics Law Announcement

Deputy District Attorney Edwards, Legal Counsel, recited the Ethics Law standards.

4. *Appeal Procedure

Bob Webb recited the appeal procedure for items heard before the Board of Adjustment.

5. *Public Comment

Wayne Ford stated he was present on behalf of his client Thomas Lypka whose Variance was supposed to be heard today, VA16-005. He understood the Board could not discuss his request at this time, yet he felt it was imperative to get on the record why the Variance was put off until December 1, 2016. He said the action was caused by the County not giving proper notice to the surrounding property owners. The Notices were sent to people in Reno, Carson City and Washoe Valley for the most part, yet not one person on the list

lived in Incline Village. He said on August 24th, prior to those Notices, a courtesy notice went to the correct people and they held a meeting at the Citizen Advisory Board (CAB). He stated the delay would put them in a no-win situation. He said they had no choice but to defer the hearing to December 1, 2016 with having the legal deficiency hanging over them that anyone could appeal the decision and they would have to start all over. The no-win was that Mr. Lypka could not correct the safety issues on his property this year; one being ice problems in the front entry; and, the second was the rear doors of his residence freezing shut. He said they had no issues with this Board, yet it was the only public forum they could go to and put on record that Mr. Lypka would hold the County liable for any issues that took place this winter due to the Community Services Department incorrectly applying the Variance process and thus forcing them into a process that would now take over 110 days to be heard. He said he wanted to thank this Board for their time and would look forward to presenting their case for approval of their request for a Variance in December if it came down to having to wait until then. His statement was placed on file with the Board.

Pete Todoroff, Chairman of the Incline Village CAB, stated the Variance was approved unanimously and his only concern was what would be their approach now, because he had no idea until after the meeting was over that the Notices had been sent to the wrong people. He hoped the Board would grant the Variance.

Chairman Lawrence asked Mr. Edwards, Legal Counsel, if he had any comments. Mr. Edwards, Legal Counsel, stated the County was reserving all of their legal rights and positions as well. Bob Webb, Planning Manager, said if he could draw the Board's attention to item 2 of the handout that Mr. Ford provided, it stated the Applicant actually had two choices; he had a choice to have the Variance heard today or to continue and the Applicant made the choice to continue. Member Toulouse stated no matter what decision was made, it could be appealed to the County Commissioners.

6. Approval of Agenda

In accordance with the Open Meeting Law, Member Toulouse moved to approve the agenda for the October 6, 2016 Board of Adjustment meeting. The motion was seconded by Member Hill, which carried unanimously.

7. Approval of August 4, 2016 Minutes

Member Hill moved to approve the minutes of August 4, 2016 as written. The motion was seconded by Member Stanley, which carried unanimously.

8. Public Hearings

A. Administrative Permit Case Number AP16-003 (Denny) – Hearing, discussion, and possible action to approve the construction of a 3,750 square foot accessory structure that will be larger than the existing 1,771 square foot primary residence. The accessory structure is a 50 foot by 75 foot metal building and will have plumbing (sink/toilet).

- Applicant: Wayne Denny
- Property Owner: Wayne Denny
- Location: 500 Washoe Drive, Washoe Valley NV
- Assessor's Parcel Numbers: 050-235-06
- Parcel Size: 1.019 acres
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: South Valleys
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 306 Accessory Uses and Structures
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 24, T17N, R19E, MDM, Washoe County, NV
- Prepared by: Eva Krause, AICP, Planner

.

Washoe County Community Services Department
Planning and Development Division

- Phone: 775.328.3628
- E-Mail: ekrause@washoecounty.us

Chair Lawrence opened the public hearing. Eva Krause, Planner, stated Mr. Denny came in about 12:45 p.m. and said he wished to withdraw the case.

There was no one wishing to speak under public comment.

Chair Lawrence closed the public hearing. There was no action taken on this item.

B. Special Use Permit Case Number SB16-004 (Verizon Arrowcreek Golf Course) – Hearing, discussion, and possible action to approve the construction of a new wireless cellular facility consisting of a 56 foot high tower utilizing a stealth design disguised as an elevated water tank with 4 sectors comprised of twelve 8 foot tall antennas per sector, all enclosed within the faux water tank, 12 ground mounted remote radio units (RRU), associated outdoor equipment cabinets, and surrounded by a fenced 20' x 22' lease area,

- Applicant: Verizon Wireless
  C/O Epic Wireless
- Property Owner: Friends of Arrowcreek
- Project Address: 2905 Arrowcreek Parkway
- Assessor's Parcel Number: 152-021-03
- Total Parcel Size: 149 Acres
- Master Plan Category: Rural Residential (RR)
- Regulatory Zone: High Density Residential (HDR)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 324, Communication Facilities and Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 23, T18N, R19E, MDM, Washoe County, NV
- Prepared by: Chad Giesinger, Senior Planner
  Planning and Development Division
  Washoe County Community Services Department
- Phone: 775.328.3626
- Email: cgiesinger@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham, Planner, reviewed Chad Giesinger's staff report in Mr. Giesinger's absence.

Chair Lawrence asked if the Board had any questions. Member Thomas asked if there were any other stealth towers that were made to look like a water tower, or was this the first. Mr. Pelham stated he thought there might be one located within the City of Sparks, but he did not know of any in this jurisdiction.

Member Toulouse stated he read a comment from a CAB member and to him looking at the water tower design, he believed a monopole Pine tree stealth antenna would be a lot less intrusive. He wondered if there was a particular reason why they chose the water tower design. Member Thomas said according to the Nevada Revised Statute it addressed unreasonable discrimination and one of the things had to do with structure. He asked if they approved the water tower structure would that open the door for everyone else to ask for water tower structures. Mr. Pelham stated he would hesitate to speculate what could come in the future. He explained stealth designs as outlined in the Code would be reviewed individually in the context of

their particular area. Mr. Edwards, Legal Counsel, concurred that if the Board approved this it would not establish a precedent that would lead to the County having to approve future applications for fake water towers. He stated the Special Use Permit process was case-by-case and others would be dependent upon the facts, the surrounding area, and a whole host of factors.

Buzz Lynn, Applicant, stated these sites had been considered and reconsidered within the last 18 months, which led them to the Clubhouse. Their Radio Frequency Engineers directed them to move forward with the Clubhouse site because they felt it had the best characteristics for filling in the wholes and providing additional capacity for users. However, the members and homeowners told them they would like the tower moved somewhere else. They were asked, after their submission to the Clubhouse to please reconsider the site, so he addressed the Radio Frequency Engineers and asked why they had not picked the location up the hill and was told it would not work. The Radio Frequency Engineers gave their approval to move ahead with the proposed facility.

Mr. Lynn stated originally they had proposed to do a monopole Pine tree but one of the members of the Clubhouse had seen the water tank at the Wingfield Springs course and suggested that. They said okay but he told them they did not want to be in a position where they would have to defend something that the community did not want. Through a series of discussions and working very closely with staff, it was determined to go with the water tower. Mr. Webb and Mr. Edwards were advised during the progress of those decisions and discussions and they had all agreed to go with the water tower design.

Member Stanley asked if there would be a significant improvement in the 911 service and any kind of security or safety provisions through this facility. Mr. Lynn stated the 911 service would be enhanced.

Member Thomas asked if the proposed facility was approved at the maintenance yard, would that cover the rest of the area or was there a possibility they would come back and ask for additional water towers or structures. Mr. Lynn said it would cover, but there was a definite distinction between coverage and capacity. He said capacity was when a whole bunch of kids on Christmas morning got their new I-devices and they started filming and uploading, which placed an incredible data strain on the system, and in so doing the demand created gaps and the inability to service that particular user, which a carrier did not want to happen. Coverage would be enhanced and capacity at this moment would be enhanced; however, capacity in the future as the market matured may no longer be met and there very well could be an application for some of those sites again that were passed on now.

Chair Lawrence opened up discussion to public comment. There was no one wishing to speak. Chair Lawrence closed public comment.

Member Stanley stated he had been privy to the other Verizon efforts for a presence in that area and he thought this was extremely well thought out. Member Toulouse stated he thought a Pine tree made better sense, but he was fine with it. Member Thomas stated he agreed with what was presented, he understood capacity, and it appeared this could handle the additional needs. Chair Lawrence stated he was pleased to see within the application that the Friends of Arrowcreek and the CAB expressed an interest in this and came to a mutual agreement.

Member Stanley moved, after considering the information contained within the staff report and the information received during the public hearing, the Washoe County Board of Adjustment approve, with the conditions included as Exhibit A in the staff report, Special Use Permit Case Number SB16-004 for Verizon Wireless, being able to make the findings required by Washoe County Code Section 110.810.30, Section 110.324.75, and the finding required by Policy SW.2.14 of the Southwest Truckee Meadows Area plan, a part of the Washoe County Master Plan, for approval of Special Use Permits. Member Thomas seconded the motion, which carried unanimously. **(Approved; five in favor, none against)**

The motion was based on the following findings:

.

Findings from WCC Section 110.810.30:

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;

2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;

3. Site Suitability. That the site is physically suitable for a wireless communications facility and for the intensity of such a development;

4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;

5. Effect on a Military Installation. That issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation;

Findings from WCC Section 110.324.75:

1. Meets Standards. That the wireless communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of the Planning and Development Division and/or his authorized representative;

2. Public Input. That public input was considered during the public hearing review process; and

3. Impacts. That the proposal will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

Findings from Policy SW.2.14, of the Southwest Truckee Meadows Area Plan;

1. Impact on the Community Character. That impact on the Community Character can be adequately conserved through mitigation of any identified potential negative impacts.

C. Special Use Permit Case Number SB16-007 (Springs of Hope Trans4mation Ministries) – Hearing, discussion, and possible action to approve a Special Use Permit to allow religious assemblies including Bible studies and ministry meetings.

- Applicant: Kristie Calder
26740 Rose Mist Court
Reno, NV 89521
- Property Owner: Kristie Calder
26740 Rose Mist Court
Reno, NV 89521
- Location: 888 Zolezzi Lane, directly south of the intersection of Zolezzi Lane and Creek Crest Road
- Assessor's Parcel Number: 049-351-26
- Parcel Size: 1.07 acres
- Master Plan Category: Suburban Residential (SR)

.

- Regulatory Zone: Low Density Suburban (LDS)
- Area Plan: Southwest Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 810, Special Use Permits
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 20, T18N, R20E, MDM, Washoe County, NV
- Prepared by: Roger D. Pelham, MPA, Senior Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham reviewed his staff report.

Member Toulouse said he noticed that of the agencies that reviewed the project, the Truckee Meadows Fire Protection District would not approve the proposed fire department turnaround shown on the map. He said he noticed there was no Condition of Approval that addressed that. Mr. Pelham stated that was correct and the reason was that was a Standard Code requirement; they must meet Fire Code and the turnaround would meet Code before they received a Certificate of Occupancy and a Business License. Member Toulouse stated the Board did not have to stipulate that as an additional Condition of Approval. Mr. Pelham stated that was correct because it was already required by the Standard Fire Code.

Member Hill asked if the building had ever been used as a residence. Mr. Pelham stated it had. Member Hill asked what the current use of the building was. Mr. Pelham stated it was currently unoccupied. Member Hill asked if the Applicant was the owner of the property. Mr. Pelham explained they were currently purchasing. Member Hill asked if the LDS zoning allowed for a religious building. Mr. Pelham stated a religious assembly use type was essentially allowed in every zone subject to the approval of a Special Use Permit.

Leann Pengualo, Applicant's representative, stated it was intended to be used for a maximum of 22 people where they would conduct training two weeks out of the year. She noted they outgrew their current homes and purchased this location to allow them to meet in a central place for training and Bible study. She said it was not going to be used to live in. Member Thomas asked if there would be any activities on the weekends. Ms. Pengualo stated there would be no services on the weekends, and the groups would meet on Wednesday mornings every other week and a group would meet on Thursdays for lunch. In January they scheduled to hold a six week training on Thursday evenings and again the following August.

Member Toulouse stated he was a little concerned about the proposed phasing of the project because they had not had a lot of projects that had phasing contingent upon future funding being available. He wondered if there was a plan to address the potential funding issue in the future. Ms. Pengualo stated she did not think she could speak directly for the Applicant, but they had a 501c3 nonprofit set up, would personally oversee the maintenance and care of the facility and if it was something that had to be done immediately, they would handle it personally.

Chair Lawrence opened up the discussion for public comment.

Steve Jarvis stated his residence was approximately located one block north of the proposal and his main concern was traffic. He said if any of the Board members had driven on Zolezzi Lane they would know that it already had a heavy traffic load and also as a residential area it was very popular with bike lanes and walking trails. He said right now they had one religious facility, approximately a half mile from the proposed facility, and there was a lot of traffic from there already. Member Thomas asked if there was a school right

across the street from the location. Mr. Jarvis explained the school was about one block down from Clearwater Drive, so it would be approximately two blocks north and also had a lot of traffic.

Karen Gallio stated she lived close to the proposal and the area was indeed rural suburban. Some of the properties had animals and they did not have street lights, and it was a quiet semi-country environment. She said she had a lot of questions about who the owners were, who and what were they meeting for, and who were they training and for what purpose. She said they had one of three largest religious facilities in the Reno/Sparks area on Zolezzi Lane and with the membership of 1,500 to 2,000 people there were streams of traffic going up and down and sometimes she had to wait five minutes to be able to turn on or off Zolezzi Lane. She said the Montessori School was two blocks east of the proposal and those people parked up and down Zolezzi Lane and up and down Valley Springs Road for picking up children twice a day.

Don Cose said he was representing his neighbors who could not attend. He agreed with the traffic flow concerns, but another area of concern was their property values. One of his neighbors lived directly behind the proposal and had to use the easement to access Zolezzi Lane. He asked if bringing in this type of facility would eventually have an effect on being able to keep animals in the area.

John Lukens stated his property was one block south of the proposal and his main concern was traffic, as there was no left hand turn lane at the driveway. The driveway was not easy to see, it was a dirt path and there were trees on both sides of it. He continued saying there were no street lights and it would be even more difficult to see at night.

Thomas Murphy stated the Board was going to be following Article 810 of the Development Code, which did not allow religious assembly within LDS zoning and Table 110.302.05 did not list religious assembly as an approved use. He was not opposed to the proposal, but he was not 100 percent sure what they were proposing. He was concerned they were not a valid church or if they had a Charter, if they had a legitimate nonprofit status, and how long had they been operating. He said also in Article 810 it asked for a lighting plan and a traffic plan and he had not seen either of those. He thought the Board needed more information from the Applicants. Mr. Murphy stated he was also present to speak for his partner who was the individual that created this subdivision. He explained the proposed property had been used as a residence and a church, but that was some time ago.

Member Hill asked Mr. Murphy if he lived on the property. Mr. Murphy stated he did not and explained where his property was in relation to the proposal. Member Stanley stated he attended the CAB meeting and he did not remember hearing that it had been a church once before. Mr. Murphy stated he understood it was a school, not a church. Member Toulouse stated he understood Mr. Murphy to say that he shared the driveway with the proposal. Mr. Murphy stated that was correct and they had an exclusive easement over the property and the Applicant did not.

Chair Lawrence asked Mr. Pelham to clarify some of the questions. Mr. Pelham stated the Washoe County Development Code, Table 110.302.05.2 allowed for religious assembly. He explained S2 indicated a Special Use Permit approved by the Board of Adjustment was necessary for Low Density Suburban (LDS). He said before this could be effective and meetings would start taking place, lighting would be one of the things that would need to be brought into compliance with the Code. He stated one of the typical requirements of Article 414 was that all of the lighting be shielded; the light would travel down and not out.

Member Hill asked if the Applicant stated that it was affiliated with a specific church in the area or was this their own thing. Mr. Pelham stated they were seeking a religious assembly use type and this one was perhaps a little different where one thought of large gatherings on a Sunday morning, which was not what they were asking for. However, were they associated with another church or not, or were they associated with a particular religion or denomination was not something that would come under this Board's consideration. He said from staff's perspective, and he believed within the Development Code, they could look at things like the impact on the surrounding area, the Standards and the uses, but he did not think they would be in a position to evaluate the legitimacy of the religious organization.

.

Kelly Degregori said what the map did not show in the packet that was handed out was that Zolezzi Lane was one lane for each direction, had a double-solid line in the middle and no parking on the street was allowed. She noted there were bike paths on each side of the street. Her concerns were the school and drop off times, limited parking, parking on the street, and blocking the bike paths. She said parents would let the kids out and then have to go out the other way and turn either east or west. Her other concern was there was no consideration right now for how they would go west, turn across traffic to get into the lot and then visa versa to get out unless they did a roundabout. She said if there was no consideration for the turning through the property like the fire department had mentioned, then they would completely block Clear Water and Creek Crest from the residents getting out. She also had a concern about what type of church it was and what type of counseling. She thought if it was for drug and DUI counseling that would be a concern to the residents. She said for the last 22 years, that property had been a residence and it was sold as a residence.

Chair Lawrence closed the public comment period and brought the discussion back to the Applicant. Ms. Pengualo stated the Applicants were a registered 501c3 and this was proposed as a Bible study ministry; they were not a counseling service, they were strictly an all women, faith-based ministry that was separate from a church, they held retreats in Tahoe and they conducted trainings for women.

Member Hill asked why the owners could not be present today. Ms. Pengualo stated they had a scheduled vacation in Hawaii. Member Hill asked if there were two couples who owned it and Ms. Pengualo stated that was correct.

Member Thomas stated at this time the Applicants were looking to expand or move away from their residences, and the intent was to find a location for a ministry and when they purchased this property they were aware it was being utilized as a residence. Ms. Pengualo stated the property was originally built to be a church 26 years ago and it was a church for several years.

Chair Lawrence brought the discussion back to the Board. Member Stanley stated he had the opportunity to watch this go through the CAB process and he thought some of the questions raised there were similar to the questions today. He said that most of the conversation referenced an existing school, an existing church, existing Code and how much traffic was created.

Member Toulouse said this was an allowed use under the Special Use Permit and they were not changing the zoning. He agreed there were existing problems and traffic issues with the existing school and with some other existing uses, but the RTC looked at this and determined it would not add significantly to traffic in the area.

Member Hill stated she had reservations about a use going in there that was not a single-family dwelling. She said there was already a school and church exacerbating the traffic problems and to have another nonresidential use could be detrimental.

Member Thomas stated he had been on Zolezzi Lane when the school was in session and it was a two-lane road had a double yellow line and there was a lot of congestion. He said turning movements became an issue without a center lane, which backed traffic up even further. He said as to the timeline of asking for some leeway as to when they would comply with all the other requirements was his concern. He understood the septic did not meet standards, it was not in compliance with the fire department and they were asking for going out to 2019 before the last alteration would be done. He thought they should come into compliance and then come back before the Board for approval.

Chair Lawrence stated he looked at this project and saw the impact would be about 22 car trips daily, which was not a significant factor in whether or not he would be for this or against it. He said they just dealt with a planning commission issue and they were looking at 5,500 car trips in a 10-hour period on his road and that was significant. He was leaning towards supporting the project based on the fact that the CAB approved it.

.

Member Hill stated she understood that CAB members did not have to make the findings the Board of Adjustment had to make to approve a project. Mr. Webb said that was correct, they actually discouraged CAB members from going down the path of findings.

Member Toulouse stated while the CAB members did not have to make the same findings that this Board did, for the most part a lot of those findings would eventually be addressed through questions and answers. He agreed if the CAB looked at this and was unanimous in their approval of the project, he put a lot of weight on their approval.

Member Stanley 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 with conditions Special Use Permit Case Number SB16-007 for Kristie Calder and Springs of Hope Trans4mation Ministries, having made all four required findings in accordance with Washoe County Development Code Section 110.810.30 and with the Southwest Truckee Meadows Area Plan. Member Toulouse seconded the motion, which carried on a 3 to 2 vote. **(Approved: Chair Lawrence, Member Stanley and Member Toulouse in favor, and Members Hill and Member Thomas against)**

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Southwest Truckee Meadows Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for religious assembly and for the intensity of such a development;
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area;
5. Southwest Truckee Meadows Area Plan . The community character as described in the character statement can be adequately conserved through mitigation of any identified potential negative impacts.

D. Special Use Permit Case Number SB16-009 (CSA Pre-K School) – Hearing, discussion, and possible action to approve a preschool facility for up to 20 children in the teen center building at the Sun Valley Community Park.

- Applicant: CSA Pre-K
- Property Owner: Sun Valley General Improvement District
- Location: 115 W. 6th Avenue
- Assessor's Parcel Number: 085-211-03
- Parcel Size: 26.086
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Parks and Recreation (PR)
- Area Plan: Sun Valley
- Citizen Advisory Board: Sun Valley
- Commission District: 3 – Commissioner Jung
- Section/Township/Range: Section 18, T20N, R20E, MDM, Washoe County, NV

.

- Prepared by: Roger D. Pelham, MPA, Senior Planner
  Washoe County Community Services Department
  Planning and Development Division
- Phone: 775.328.3622
- E-Mail: rpelham@washoecounty.us

Chair Lawrence opened the public hearing. Roger Pelham reviewed his staff report.

Chair Lawrence opened public comment.

Garth Elliott stated he was a Board member of the Sun Valley General Improvement District (SVGID) and they currently owned the subject property. He noted the building had been renamed and had been used for slightly older kids, but he felt it was adequate for younger children. He concurred it had been empty for a year, which was a concern to the SVGID. He said they had no problem making the changes to bring the building up to Code.

Chris Melton, Field Supervisor SVGID, stated the SVGID was in full support of this project. He noted that the Sun Valley community lost the Head Start Program a few years ago, which affected quite a few families and that was why this program was vital to the District and the community. He noted the Community Service Agency (CSA) completed all of their requirements and the building was move-in ready at this time.

Kristen Demara, Applicant, stated they were excited to be able to have 20 children because not only did they provide educational services for children who were going in to Kindergarten, they also provided meals for those children, health screenings and anything else they would need to be ready for school.

Chair Lawrence closed public comment and opened discussion to the Board. Member Toulouse stated it was rare to have unanimous support for a project and also that the SVGID was behind the project, which made their job easier.

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 approve with conditions Special Use Permit Case Number SB16-009 for CSA Pre-K School, having made all four findings in accordance with Washoe County Development Code Section 110.810.30. Member Thomas seconded the motion, which carried unanimously. **(Approved: five in favor, none against)**

1. Consistency. That the proposed use is consistent with the action programs, policies, standards and maps of the Master Plan and the Sun Valley Area Plan;
2. Improvements. That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. Site Suitability. That the site is physically suitable for a preschool, and for the intensity of such a development; and
4. Issuance Not Detrimental. That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

E. Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance 1) to reduce the front yard setback along Wassou Road from 20 feet to 7 feet to

allow for a storage room below the existing deck; 2) to reduce the north side yard setback from 8 feet to 5 feet to allow for a half bath addition on the house and deck rebuild on the existing residence; 3) to reduce the front yard setback along Teresa Court from 20 feet to 10 feet and the front yard setback along Tuscarora Road from 20 feet to 8 feet for a detached accessory structure to be used as a garage; 4) to permit a second story above the garage; and, 5) to allow additional plumbing fixtures in the accessory structure.

- Applicant: Jeffrey D. Eget
- Location: 45 E. Tuscarora Road, Crystal Bay
- Assessor's Parcel Number: 123-136-02
- Parcel Size: 0.19 Acres (8,351 square feet)
- Master Plan Category: Suburban Residential (SR)
- Regulatory Zone: Medium Density Suburban (MDS)
- Area Plan: Tahoe
- Citizen Advisory Board: Incline Village/Crystal Bay
- Development Code: Authorized in Article 804 (Variances)
- Commission District: 1– Commissioner Berkbigler
- Section/Township/Range: Section 19, T16N, R18E, MDM, Washoe County, NV
- Prepared by: Eva Krause, AICP, Planner
Washoe County Community Services Department
Planning and Development Division
- Phone: 775.328.3628
- E-Mail: ekrause@washoecounty.us

Chair Lawrence opened the public hearing. Eva Krause reviewed her staff report. Ms. Krause noted the following correspondence received before the meeting which has been forwarded to the Board for review: a CAB worksheet from Mr. Wolf, a CAB worksheet from Mr. Todoroff, the CAB meeting draft minutes dated October 2, 2016, a letter from Mr. McAuliffe, and a letter sent by lawyer, Rick Elmore, for the neighbors, Terry and Brian Nelson.

Mr. Webb stated the description on the staff report talked about reduction on the side yard setback to accommodate for a half bath addition. Ms. Krause stated it was for a full bath addition. Mr. Webb said the Agenda before the Board stated it was for a half bath, so the Board action to be taken was for approval of a half bath. He said if the Applicant wished to have something other than a half bath, the Board had a couple of choices. The Applicant could request to continue, wherein this could be noticed for something other than a half bath, or the Board could choose to take action and approve the agenda as published with a half bath addition. Chair Lawrence thanked him for that clarification.

Member Toulouse stated the Staff Report mentioned the sauna being located within the front setback and that a condition of approval should be removal of that sauna, but he did not see it in the Conditions of Approval. Ms. Krause explained it was not removal; it was for relocation within the setback. She said she spoke with the property owner and they told her they already moved it. Member Toulouse asked if the Board should add it and Ms. Krause stated the Board did not need to add it as a condition because the Code stated they could not have accessory structures in the front yard setback. Mr. Webb asked if she had verified the sauna had been moved. Ms. Krause replied she had not verified it yet. Mr. Webb stated the Board could add that as a condition to ensure the sauna was relocated.

Jeffrey Eget, Applicant, showed the Board a picture depicting the sauna had been moved. He explained the sauna was more in the middle of the front yard and closer to Wassou Road, so they moved it into the left corner closer to the tree and right by the deck so it was now as far away from the street as possible. Ms. Krause confirmed the previous location of the sauna and she located the setback lines on the map. Member

Toulouse asked if the sauna was in the setback and Ms. Krause stated it was behind the setback where it was supposed to be.

Member Hill stated she attended the CAB meeting and went to the site. She noticed a Sugar Pine tree that was being proposed to be removed and she wondered if there was any alternative to saving the tree. Ms. Krause stated Washoe County did not regulate tree removal and she did not know of any alternatives.

Member Toulouse stated he had a concern about the definition of a dwelling unit because someone living in a house or an accessory structure made it a dwelling unit; however per Code it was not a dwelling unit if it did not have a kitchen. Ms. Krause stated that was correct and this is a definition they had been struggling with over the years. Member Toulouse stated he was not sure if it could be made clearer in the Code and to make sure both pieces of the Code mimicked each other so the question did not come up again. He said if it were classified as a dwelling it would not be allowed per TRPA Code, but the County would allow it.

Member Thomas stated the Tahoe Area Plan Modifiers limited one sink and one toilet. Ms. Krause stated when that was put into place Washoe County Code also said two plumbing fixtures. She said she did not know the exact reason why they decided that had to be a sink and a toilet. There was a lot of objections and a lot of reasons why two plumbing fixtures were not adequate even for an accessory structure. She stated the other issues staff had were a lot of people put in two plumbing fixtures and re-plumbed to make accessory dwellings out of them. So the solution, rather than limit the plumbing fixtures, was to have them record something on the deed stating it would not be used as a separate dwelling. Member Thomas stated the accessory structure section within the Development Code was changed to allow that, but the Tahoe Area Plan Modifiers did not. Ms. Krause stated that was correct. Member Thomas asked which one was in force, or was both of them in force and could this Board override one or not. Ms. Krause stated that was why the Applicant was asking for a Variance to the Code. She said the justification for the Variance was that both of them were in effect.

James Borelli stated he was the architect for the Applicant. He said that due to the unusual shape of the lot and the restrictions placed on it having basically frontages on three sides of a four-sided lot, they were requesting a Variance to the setback on the east side from 20 feet to seven feet to allow for the construction of the storage area underneath the existing deck, which was in the front setback and had been there for a number of years. He said it was considered to be legally non-conforming because it was built before a certain date. They were asking for a reduction in the setback on the north side from eight feet to five feet for the bathroom addition, which would be a full bath even though it was described in the Agenda as being a half bath. He said it was clearly a full bath on the floor plans that were submitted. He said on the west side of the property they were again squeezed by the 20 foot setback on the south side of the property, so they were asking for a reduction from 20 feet to eight feet. He stated around the corner on Teresa Court, they were asking for reduction in the 20 foot setback to 10 feet. He said the two other things they were asking for was a second story over a detached garage.

Mr. Borelli stated there were no alternatives in regard to removing the tree, it was right in the middle of the driveway and there was no way he could squeeze to the other side. He noted it would be up to the TRPA permit for the project to make the findings for the removal of that tree. He said they had a project that basically received CAB approval with one Member opposing. He said some of his fellow Board members were not sure what his actual objection was and they were having trouble getting specifics out of him. He said all the agencies reviewed it and none of them had any objections. He said there were four letters of support and there were two neighbors in the audience who would speak in favor. He stated there was one neighbor in opposition, but when they built their home in 1997 their list of variance request items read just like the Applicants and theirs were granted.

Member Thomas said he understood the laundry room would be where the garage was now. Mr. Borelli stated it would be on the lower floor of the new garage. Member Thomas said when they needed to do laundry they would bundle it up and leave the house, walk up to the garage and do the laundry. Mr. Borelli

.

stated if they were staying in the cabin that would be correct. Member Thomas asked if there was a laundry room in the cabin now. Mr. Borelli stated there was not and they were trying to tread lightly on the cabin. He explained the cabin only had so much modification capacity, so this project was intended to address some of the Applicant's needs through the construction of a whole separate building rather than try to adapt the cabin, which would be difficult structurally.

Chair Lawrence stated he wanted to be clear about the bath, whether it was full or a half bath. Mr. Webb stated the Board would be taking action, based on the Agenda and staff report for a half bath. Mr. Borelli stated the Board was looking at a submittal that described the project with a half bath; however, as he pointed out earlier, at staff's request, they provided floor plans which proposed a full bath. Chair Lawrence said the written information they received was for a half bath and the pictograph and the architectural design was not up to interpretation beyond the written description. Mr. Webb said if it was a full bath they were after, he suggested the Board continue this and have the Applicant resubmit an application representing a full bath. He stated if the Board approved the Special Use Permit as written for the half bath, when his plans were submitted if it showed a full bath, staff had no option but to deny the Permit because the application would not be in conformance with the approved Special Use Permit. Ms. Krause asked if they had to submit a whole new application or would they just have to re-advertise the project with the correct language. Mr. Edwards, Legal Counsel, stated they did not have to do a whole new application. The Agenda description limited what power the Board had to approve something by action in a meeting; the Board could approve less than what was being requested in an application and described in an Agenda, but they could not approve more.

Chair Lawrence told Mr. Borelli it was up to the Applicant to decide whether to continue this until December or have approval of a half bath. Mr. Borelli wondered what the procedure would be if the Board approved a half bath today to get a full bath later; would he have to go through the entire Variance process again. Mr. Webb responded the Applicant would have to ask for an Amendment of Conditions, which was a separate process that would follow the same process as a Variance. He would have to submit an application to amend the conditions and what was approved, and enter a full cycle of approvals. He said they would not have it done by December 1st. Mr. Webb asked if the Board could take a break and allow the Applicant and his representative to discuss this.

3:56 p.m. The Board took a recess.

4:04 p.m. The Board reconvened with all Members present.

Mr. Webb stated the Board could act on items 1, 3, 4 and 5 and continue item 2 to a later date. Chair Lawrence asked if the Applicant was interested in that and Mr. Borelli replied he was.

Chair Lawrence opened up public comment. Rod Nussbaum stated he lived below the subject property toward the Lake and he had owned his home since 2005. He said he looked at the plans and the work that Mr. Borelli had done on the other side of Wassou Road and he thought the overall proposal would substantially improve the location and blend in nicely with the neighborhood. He stated that part of Crystal Bay was an eclectic neighborhood, but over the last five years the property owners had been improving their residences, which was positive.

Chair Lawrence closed public comment and opened rebuttal to the Applicant. Mr. Eget said he thought there was another letter of support that he wanted put on the record. He said he purchased the property in November of 2015 and they loved it, but it was uncomfortable to live in. He learned they needed to make some improvements because the bathroom they had was small and did not have any closets. He stated it was a step saver cabin and they hopefully would be able to keep the existing cabin in tact because it was built in 1936. He said his immediate next door neighbor, Rick, called him and told him he had his support and he thought they would be able to work together.

.

Mr. Edwards said the letter in support of the project received from Mr. McAuliffe was distributed to the Board and made part of the record.

Chair Lawrence opened up discussion to the Board. Member Hill said she thought it was a great project, she's been to the site twice, and the 1936 cabin is precious. The fact the Eget's want to preserve that and still have a livable property is admirable. She added any way to save the Sugar Pine tree would be appreciated. Mr. Edwards, Legal Counsel, stated this was a Variance application and on page 3 of the Staff Report the Variance Standard, as set forth in the Nevada Revised Statute, was laid out. He noted the Board needed to consider if there was 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, which had to be part of the analysis. He also wanted to make sure that as the Board moved through the discussion, if there was an appetite to approve it, the Statute be considered and taken into account.

Member Toulouse said he appreciated the Applicant's willingness to preserve as much of the cabin he could, even though it was not a registered historic landmark. He said because of the narrowness and the steepness of the property, he did not have an issue with granting the Variance. Member Stanley stated he liked the fact that the Chair of the CAB came to this meeting showing support of the project. He was also pleased that a compromised solution had been reached.

Member Thomas stated he struggled with these types of requests. He said when someone purchased a property, they knew what they were getting and then that individual would come before the Board and say they did not like what they bought and want to expand. He was not sure that was really a hardship or not.

Chair Lawrence said the function of this Board was to look at these projects and determine whether they complied and were consistent with Variances and Special Use Permits. He said he lived in a house that was built on a 16 percent grade and he understood the challenges associated with that and the size of the lot and the setbacks. He said he was in support of this project based upon the fact that it met the criteria for a Variance. He also noted for the record the Board received a letter in support from Bryan McAuliffe, and a letter from Brian and Terry Nelson stating they were not in support of the project.

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 approve Variance Case Number VA16-006 for Jeffery D. Eget, with the conditions of approval included as Exhibit A for this matter, having made all four findings in accordance with Washoe County Code Section 110.804.25, with the exception of item #2 on the Agenda to reduce the north side yard setback from eight feet to five feet to allow for a half bath addition on the house and deck rebuild on the existing residence, which will be continued to the Board of Adjustment meeting to be held in February 2017. Member Toulouse seconded the motion, which carried unanimously. **(Approved: five in favor, none against)**

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;
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;
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;

.

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.

9. Chair and Board Items

***A.** Future Agenda Items.

None.

***B.** Requests for Information from Staff

Chair Lawrence stated the maps were hard to read because they were in such small print. Member Toulouse stated he would also like to receive the maps in color if possible. Mr. Webb stated staff would be notified.

***C.** Discussion and possible action to elect officers, chair and vice chair.

Mr. Webb stated this was continued from the last meeting due to all the members were not present. Member Stanley moved to nominate Member Toulouse as Chair. The motion was seconded by Member Thomas, which carried unanimously.

Member Lawrence moved to nominate Member Thomas as Vice Chair. The motion was seconded by Member Hill, which carried unanimously.

Chair Toulouse assumed the gavel.

10. Director's Items and Legal Counsel's Items

***A.** Report on Previous Board of Adjustment Items.

Mr. Webb reminded the Board that the December meeting would be held in the Health District Conference rooms A & B.

***B.** Legal Information and Updates.

None.

11. *General Public Comment

There was no response to the call for public comment. It was noted that a letter had been received by Kirk Short, which was placed on file.

12. Adjournment

The meeting adjourned at 4:29 p.m. with no objections.

Respectfully submitted by *Jaime Dellera, Independent Contractor*

Approved by Board in session on December 1, 2016

_____

William H. Whitney
Secretary to the Board of Adjustment

.

Incline Village/Crystal Bay Citizen Advisory Board

MEMORANDUM

To: Marsha Berkbigler, Commissioner
From: Misty Moga, Administrative Recorder
Re: **Variance Case Number VA16-006 (Eget Residence)**
Date: October 2, 2016

The following is a portion of the draft minutes of the Incline Village/Crystal Bay Citizen Advisory Board held on September, 2016.

7. DEVELOPMENT PROJECTS – The project description is provided below with links to the application or you may visit the Planning and Development Division website and select the Application Submittals page: http://www.washoecounty.us/comdev/da/da_index.htm.

A. Variance Case Number VA16-006 (Eget Residence) – Hearing, discussion, and possible action to approve a variance to 1) reduce the front yard setback along Wassou Road from 20 feet to 14 feet 5 inches to allow for a storage addition below the existing deck, 2) to reduce the front yard setback along Teresa Road from 20 feet to 10 feet to allow a detached garage addition, 3) to reduce the front yard setback along Tuscarora Road from 20 feet to 8 feet to allow for a detached garage addition and 4) to reduce the north side yard setback from 8 feet to 5 feet to allow for a bath addition and deck rebuild at the existing residence and 5) to reduce the north side yard setback from 8 feet to 5 feet for a detached garage addition.

- **Applicant/Owner**: Jeffery D. Eget
- **Location:** 45 E. Tuscarora Road, Crystal Bay
- **Assessor's Parcel Number**: 123-136-02
- **Staff:** Trevor Lloyd, 775-328-3620, tlloyd@washoecounty.us
- **Reviewing body:** The following case is tentatively scheduled to be heard by the Board of Adjustment on October 6, 2016

Gerry Eick reminded that the CAB focus is the agenda item. If in the course of review other matters arise, CAB members or public members may submit them in writing instead of being discussed.

Jim Borelli, the subject property architect, reviewed the proposed site plan:

Requesting an approved variance for:

- Reduced side set back from 8 to 5pm on the north side of the property.
- Demolishing two buildings
- Construct two car garage with sleeping quarters, storage area, fitness room
- Reducing front set back on Wassou from 20 to 8.6 feet.
- Reducing side set back from 8 to 5 feet
- Reduction in setback on Teresa court from 20 to 8 feet.
- Front setback on Tuscarora from 20 to 8
- He said Washoe County engineering doesn't have a problem with it.
- This will allow for an accessory structure of two stories
- Topography, setbacks on 3 out of 4 sides of the lot
- Bedroom addition on the cabin

He showed diagrams of:

- Floor plan of current cabin
- The elevation and proposed floor plan
- Proposed garage building

Discussion:
Gerry Eick spoke about the setbacks. They are allowing them to put structures on east and west side of property with open space in between. He said he is particularly concerned on the northeast. He said it needs to be specific that the setback is specifically for the structure, and not to be filled in later.

Roger Pelham said if a variance is granted, it's always granted with conditions. The plans you submit must be in substantial conformance of the site plan. The site plan becomes part of the record. Roger Pelham said we don't have an opinion 'for' nor 'against' a variance either way. A variance can be granted by special hardships, topography, shape, etc.

Judy Miller said she heard that they struggle with coverage. This lot is already reached maxed coverage, so we can't be concerned with future development because of limited coverage. Judy spoke about the TRPA 1% lot coverage, but this one was grandfathered it. It can be shuffled around. Gerry Eick said he wanted to make sure there was no conflict with TRPA and Washoe County code. Roger Pelham said this is not an accessory dwelling. He said the limitation of the plumbing is a Tahoe area plan restriction. Roger said the Tahoe area plan is being re-written. He said we take they the elements and put them into the Tahoe area plan modifiers.

Andy Wolf asked about the detached garage allowable use without variance. Roger confirmed they could; it would be accessory uses to the main property. Andy asked about with living space. Roger said there are different standards for structures and dwellings.

Andy asked about the southeast corner setback. Mr. Borelli said that was a dimensional error which has been corrected. Roger Pelham said that isn't uncommon. He said the application gets assigned to a planner, and submitted for review to agencies. Roger said Eva hadn't studied that specific setback yet.

Andy Wolf said there is a garage and cabin; accessory buildings to the main building and storage above main building. They already have those uses on the property, therefore, what is the lack of ability to have those uses as they are. He asked why isn't what you have there enough. Mr. Borelli said they have only a one car garage, not two. The current structures wouldn't be easy to add on to. Instead of adding onto the old structures, Mr. Borelli said this proposal would create a separation from old to new.

Andy asked about the 7 foot setback storage. He asked what would prevent that building to change in the future. Mr. Borelli said there is no heating in that structure. It's a room with windows. It's more than just storage. Andy said the CAB received correspondence from a neighbor. Gerry Eick said the conversation email trail indicated they would submit all correspondence to the Board of Adjustments. Mr. Borelli said they received multiple correspondences from neighbors. He said there was a similar site plan setback on the same street.

Andy asked about the entitlement for a 2 car garage. Roger Pelham said current requirements for single family are one enclosed and one off-street parking space. Roger said it applies to new building and if there was a remodel. It makes it conforming. Roger said they wouldn't allow it to be non-conforming.

Mr. Borelli said East Tuscarora is busy and steep. He said it's a dangerous street. Teresa court only has 4 houses on the street. He said it's an easier way to park and get out of the car. It's a safety positive aspect.

Andy Wolf asked if cabin and garage are re-developed, what variances would be needed. Mr. Borelli said he thought he would need a variance but it would probably be less.

Andy Wolf asked to separate the setbacks and discuss and recommend them separate. Gerry said they are the east and west projects, essentially two sets of setbacks.

Agenda items: 1 &4 - east side to existing; items 2, 3 & 5 – detached accessory structure

Andy said he was concerned with the accessory (items 2, 3, 5). He said it's a nice new structure; however, those uses already exist on property without a variance. He said he can't make that finding of hardship such as following the requirements of code, some hardship or inability to develop so the owner can't enjoy the property.

Mr. Borelli said the structure encroaches into the setback; it's non-conformance as it is now. This would bring it into compliance with variance.

Roger Pelham summarized NRS 278 - the approval of variance: Special circumstance, narrowness, shape, due to topography or extraordinary situation or conditions.

Kevin Lyons asked what public interest is this addressing. Roger Pelman said the purposes of setback are many – maintain community, light and air to adjacent roadways, snow removal, roadways. This is primarily character.

MOTION: Kevin Lyons recommended approval of VA 16-006. Judy Miller seconded the motion to recommend VA16-006. Andy Wolf opposed the project. The motion passed 4 to 1.

cc: Pete Todoroff, Chair
Marsha Berkbigler, Commissioner
Al Rogers, Constituent Services
Sarah Tone, Constituent Services

September 26, 2016

To those it may concern:

Regarding plans for 45 E. Tuscarora Road, there are only amiable things that can be said. The property owners, Jeff and Marina Eget, are incredibly kind and hospitable people. They only mean well for the neighborhood and property. Their current intentions are to build a home that suits them, but also preserve the decades of history the property holds within it, which is an altruistic proposition in any property case. One such historic event that holds near and dear to my family was that my grandmother and late grandfather, Lois and Jack McAuliffe, had their honeymoon on this property 62 years ago. It is in my family's deepest hopes that Jeff and Marina's current plans will not be impeded.

Best Regards,

Bryan McAuliffe
450 Wassou Rd.
Incline Village, NV

Bryan McAuliffe

VA16-0006
BOA 10/6/16

8/29/16

TO: Washoe County Community Services Department
Planning and Development
P. O. Box 11130
Reno, NV 89520-0027

FROM: Brian and Terry Nelson
P. O. Box 1374
464 Teresa Court
Crystal Bay, NV 89402
Parcel # 123-136-03

RE: Case # VA16-006 (Eget Residence) in Commission District #1
Parcel # 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Planning and Development:

In our review of the Washoe County Development Code as property owners directly effected by the proposed building permit application, we present the following observations and objections for review by the Department of Community Development:

Simply by viewing the depicted drawing of the proposed three story second dwelling residence (they are also requesting a basement), being referred to as a "detached accessory structure" or "garage," one can quickly ascertain that what is actually being proposed here is the construction of a second residence on this parcel. This second residence doesn't qualify as an accessory dwelling unit (as the owners representative accurately points out) because it is proposing "more than one sink and one toilet." As stated in the proposed application, "Article 220 (Tahoe Area) still limits allowable plumbing fixtures to 1 toilet and 1 sink." This is just one of multiple variances being requested, including the request to completely disregard setbacks on all sides of this property. Their seems to be a perceived entitlement to all of these changes stemming from a tiny bathroom addition permit obtained by the previous owner many years ago (permit # 99-6297 finalized 8/31/00).

The proposed application asks that every single existing setback restriction be eliminated and virtually ignored, as this "second residence" is constructed on the "premium view" side of this tiny and irregularly shaped lot. The required setbacks have been clearly defined in the code so that there can be no confusion: "Washoe County Development Code, Section 110.406.25 Unobstructed Yards" states "any yard required by the Development Code shall be open and unobstructed from the ground to the sky..." "Section 110.406.30 Front Yards, item (c)" further states that "all yards abutting streets shall be considered as front yards." Thus, the minimum setback requirements of this parcel are 20' on a total of three sides of this property.

This property is within master plan Category Suburban Residential/Regulatory Zone MDS. This is intended for low to medium density uses. When referring to the MDS Density/Intensity Standards Table 110.406.05.1 that the development of this property is subject to, it clearly lays out the following facts: 1) dwelling unit per acre stated as du/ac are 3h, 2) minimum lot size is 12,000 square feet, and 3) minimum lot width is 80'. The MDS Regulatory Zone is intended to

create and preserve areas where multiple dwelling units are only allowed at a rate of 3/acre. This extremely small lot is only .19 acres. Minimum square footage of a lot must be 12K sq' and this lot is only 8,351 sq'. Minimum lot width is also required to be 80' and the Teresa Court side of this property where the proposed second residence would be located is only 40' wide (with only 12' of buildable space once the required setbacks are met). "Section 110.406.45 Lot Width, item (a)" states "modification of this standard must facilitate superior building sites. This modification may not be granted for subsequent development of the same parcel."

We would also like to point out the relevance of Washoe County Development Code Section 110.406.30 when considering this application. Please see the issuance and completion of building permit #99-6298 finalized 8/31/00, which resulted in the construction of an enclosed garage with storage above it and a driveway adequate to provide off-street parking. This Section states: "After Development of the lot has occurred, the yard chosen as the front yard shall remain the front yard for all further development on the lot."

In further response to the proposed application, we would like to point out that the adjoining residence is not properly and accurately depicted on the drawings submitted. The footprint of this dwelling does not present the true circumstance that exists on this lot. This residence pops out 2' in all directions from the footprint in such a fashion that when you also take into account the roof/eves, it is abutting the property line on multiple sides. This "0 lot line" situation has resulted in an already overly congested area; from aesthetic, nuisance, and safety perspectives.

Due to the consistent and regular use of the adjoining parcel at 460 Teresa Court as a vacation rental, Teresa Court is already a congested street with safety concerns. The short driveway at this busy rental property (much like the one proposed be added to the subject property only a few feet away) has resulted in 3 cars lined up and extending well into the road on a regular basis. Renters of this property (that usually exceed 8 to 12 at a time), often proceed to line Teresa Court with cars that won't fit in its tiny driveway. This situation has been so extreme at times as to cause renters to be cited for completely blocking the roadway. In light of Teresa Court being a cul-de-sac with no other way out, the risk to our safety becomes even more serious in the event of an emergency.

If this second home at the "Teresa Court end" of the subject property is allowed to be erected, it will exacerbate this congestion, not only increasing the nuisance issues immediately adjacent to it but most importantly making it a much more dangerous corner for those of us trying to get in and out of Teresa Court than it already is. The proposed plans for the subject property depict a driveway very similar in dimensions to the one described above on the adjacent property. This would result in not only 3 cars lined up side by side extending out into the street, but will now add a few more to the lineup even closer to this dangerous corner where so many problems exist already. The Variance Application submitted cites "limited coverage" as being a legitimate reason to create a very dangerous situation by overdeveloping this property. The thin treacherous roads in Crystal Bay are hard enough to maneuver around in hazardous winter conditions without adding all of these obstacles.

The owner's representative describes the subject parcel as "quite steep" and claims that this is a severe hardship. Section 110.106.15 defines "slopes" as having being "moderate" in the 15 - 30% range. This lot presents as 16%, which barely qualifies as moderate, let alone "steep;" which is defined as greater than 30% slope, per county code. The 16% slope on this lot should frankly be the least of the concerns when contemplating the safe development of this parcel.

They are also arguing that there is "historic value" that was taken into account in their decision not to modify/expand the existing 1936 small cabin that currently exists on the lot. This building is not listed on any national or state registry's of historic places. "Washoe County Code Chapter 110, Article 220, Tahoe Area" is designed to "preserve buildings and sites which have been listed on a state or national registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners's efforts to preserve the historic or landmark value of the property..." Thus, to argue that simply the age of this structure somehow provides for it to get preferential treatment is ludicrous. There are no historic or landmark values associated with this property that extend beyond the apparent nostalgic opinion of only this applicant.

The applicant has stated in the submitted documentation that no CC & R's exist that are material to the matter at hand. For the record, we would like to submit the fact that the "creation of a nuisance" is in violation of the CC & R's. This proposed permit, if granted, would at a minimum create a nuisance; in direct violation of our communities CC & R's of public record.

Specific parcels are appropriately designated to have limitations and restrictions tailored to the situation that each individual unique parcel presents. The owner of this parcel is attempting to make this lot something that it is not without regard for rules, regulations, and public safety. We applaud and support the county in the well thought out restrictions that currently exist to control activity on this parcel; both they and the original builder got it right when the existing residence was erected which pretty much maxed out this lot's potential for development while adequately protecting the public.

The fact of the matter is that the owner of this property, who knowingly purchased a "virtually unbuildable" small unusually shaped lot (which was priced accordingly), is now attempting to claim that this fact is somehow a hardship to him. Instead of choosing to either modify the existing residence while remaining within county code requirements or to sell the property and purchase something that better meets his needs, he has chosen to instead challenge every aspect of what the Washoe County Development code was designed to protect against. It appears from a perusal of the public records that the existing residence could easily be modified in accordance with county codes and regulations to meet their needs without sacrificing public safety. He is currently making a conscious choice not to pursue this safe and legal avenue.

We are asking that the County require adherence to all building standards that must remain in place to protect the health, safety, and welfare of not only the residents, but also of the public who uses the adjoining roadways. We would like to thank the County for their detailed and well thought out master plan and enforceable codes, that were designed to prevent severe inappropriate building that sacrifices not only the aesthetic appeal of our community but also more importantly public safety. In light of the fact that the proposed permit application is not consistent or compatible with the Washoe County Development Code on numerous levels, we respectfully request that the county please deny this proposed application, as required.

Before the county closes out the file on this parcel, we would also like to request that the recently erected fence be removed due to it being out of compliance with the "Obstructions to Vision" clause that states: "There shall be no fences or other obstruction to vision more than eighteen inches higher than curb level within the visibility triangle defined in Section 110.412.30, Public Safety."

Please also require the removal/movement of the Sauna recently placed on the property that represents yet another violation of County Codes. We are being advised that this Detached Accessory Structure is not allowed to be placed within any setbacks. Per code, this is not allowed within any of the three existing front setbacks, and is only allowed in the remaining setback on the north side if it is at least 5' from the property line.

We intend to vehemently object to this proposed permit to the fullest extent that the law allows. The granting of this permit would effectively prevent us from experiencing the safe enjoyment and peaceful use of our property, to which we are entitled under the laws of our community and our state, as it would simultaneously prevent all those who drive on E. Tuscarora and Teresa Court from having a safe line of site traveling up and down these roads. These thin roads are already hard to safely maneuver without obstructing the limited visibility that currently exists.

We believe in our community and it's rules, regulations, ordinances, and laws that have been put in place to protect us all from situations exactly such as this. We intend to fully cooperate with the county with regards to their investigation of this request and look forward to working with them to establish the true hardship and harm that this request, if granted, would place not only on us, but also upon the entire community and the public who uses our roadways. Thank you in advance for your prompt time an attention to this very important matter; that affects the quality of life for all of us. Now that the County has so appropriately brought this to our attention, please know that it is of the utmost priority to us; and we will be happy to answer any questions and/or provide any additional documentation to the County that they deem necessary in the process of rendering their decision.

Sincerely,

Brian and Terry Nelson
464 Teresa Court
Crystal Bay, NV 80402

From: Krause, Eva
To: "Terry Nelson"
Subject: RE: Case# VA 16-006 (Eget Residence) Commission District #1 APN 12313602
Date: Tuesday, September 13, 2016 11:46:00 AM

Hello Terry,

Thank you for expressing your concerns. I have reviewed your letter, and have made note of your objections in the staff report. I also noted that all the reasons you used for obtaining your variance are almost identical to the applicant's. As for your objections about another neighbor using his home as a rental property, I cannot use that against someone else. That is a separate issue. I have reviewed the site plan and the location of the split rail fence is far outside of the 20 foot line of sight triangle. The sight triangle is not the same as a 20 foot setback. I will be doing site visit in the next week and will check the actual location of the fence to see if there is a code violation.

Sincerely

Eva M. Krause, AICP
Planner
Washoe County Community Services
Planning and Development Division
775.328.3628
erkrause@washoecounty.us

WashoeCounty.us

From: Terry Nelson [mailto:tnelson@greatwesternre.com]
Sent: Tuesday, September 13, 2016 10:48 AM
To: Krause, Eva
Subject: Fwd: Case# VA 16-006 (Eget Residence) Commission District #1 APN 12313602

Eva:

Welcome back; hope you had a great vacation! I look forward to discussing this matter with you as soon as you are able to get up to speed on this file. I did as Trevor advised in waiting for you to come back, given that this file was re-assigned to you right before you left.
However, we now have many more urgent issues and concerns that have developed on this lot during your absence
that need to be addressed promptly.

Please review the letter of objection that I sent to the county 8/29 both by email and certified mail.
The additional developments that I just referred to in this case include more violations involving public safety and line of site issues, while more items continue to be added daily

within the three required safety 20' setbacks that exist on this very hazardous "end/multiple corner/multiple intersection" lot. I will follow your lead as to how to best correct these issues immediately before someone gets hurt on our roadways.

Thank you,
Terry Nelson
Great Western Real Estate
775-831-4194 Direct
tnelson@GreatWesternRE.com

Begin forwarded message:

From: "Lloyd, Trevor" <TLloyd@washoecounty.us>
Subject: RE: Case# VA 16-006 (Eget Residence) Commission District #1 APN 12313602
Date: August 31, 2016 at 11:38:32 AM PDT
To: Terry Nelson <tnelson@greatwesternre.com>
Cc: "Krause, Eva" <EKrause@washoecounty.us>

Terry,
I will certainly do that.
Trevor

From: Terry Nelson [mailto:tnelson@greatwesternre.com]
Sent: Wednesday, August 31, 2016 11:28 AM
To: Lloyd, Trevor
Cc: Krause, Eva
Subject: Re: Case# VA 16-006 (Eget Residence) Commission District #1 APN 12313602

Trevor and Eva:

Thanks for the feedback, Trevor. Please remember that per our discussion, I also sent the letter to you certified mail with return receipt requested based on your instructions. Once this has been signed for, please forward proof of this mailing to Eva to add to her file.

Eva: Please contact me to discuss the status of this file after you have had a chance to get up to speed.
Please know that we are here to assist you in any way we can, and we look forward to working with you on this.

Thank you,
Terry Nelson
Great Western Real Estate
775-831-4194 Direct

tnelson@GreatWesternRE.com

On Aug 31, 2016, at 11:02 AM, Lloyd, Trevor <TLloyd@washoecounty.us> wrote:

Oop's forgot to include Eva.

From: Lloyd, Trevor
Sent: Wednesday, August 31, 2016 11:01 AM
To: 'Terry Nelson'
Subject: RE: Case# VA 16-006 (Eget Residence) Commission District #1 APN 12313602

Hi Terry,
We have had a bit of re-shuffling of work assignments; Eva Krause is now the case planner for this project. Her phone number is 328-3628 and I've included her on this email. Take care.

Trevor Lloyd, Senior Planner
Washoe County Community Services Department
Planning & Development Division
(775) 328-3620
tlloyd@washoecounty.us

From: Terry Nelson [mailto:tnelson@greatwesternre.com]
Sent: Wednesday, August 31, 2016 10:52 AM
To: Lloyd, Trevor
Subject: Re: Case# VA 16-006 (Eget Residence) Commission District #1 APN 12313602

Good Morning Trevor:

Please let me know if you are ready to discuss all the points we brought to the county's attention in the letter of objection we sent to you 8/29. Do you need any further documentation, or do you have any questions at this time? Please advise.

Thank you,
Terry Nelson
Great Western Real Estate
775-831-4194 Direct
tnelson@GreatWesternRE.com

On Aug 29, 2016, at 12:59 PM, Lloyd, Trevor <TLloyd@washoecounty.us> wrote:

Thanks Terry, I received it!

From: Terry Nelson [mailto:tnelson@greatwesternre.com]
Sent: Monday, August 29, 2016 11:19 AM
To: Lloyd, Trevor
Subject: Re: Case# VA 16-006 (Eget Residence) Commission District #1 APN 12313602

Trevor:

Please confirm receipt of our letter of objection, and let me know if you need anything further at this time.

Thank you,
Terry Nelson
Great Western Real Estate
775-831-4194 Direct
tnelson@GreatWesternRE.com

On Aug 29, 2016, at 11:17 AM, Terry Nelson <tnelson@greatwesternre.com> wrote:

Trevor:

Thank you for taking the time to speak to me today. Per our conversation, I have attached our letter of objection to this proposed permit so that it may become part of the public record. Thank you for also forwarding this to CAB, so that they can better prepare for their meeting. As we discussed, I will await instruction from you as to any steps we need to take in this process as you define what is needed during the course of your investigation. I look forward to working with you.

Thank you,
Terry Nelson
Great Western Real Estate
775-831-4194 Direct
tnelson@GreatWesternRE.com

<CCF29082016.pdf>

From: Krause, Eva
To: "Terry Nelson"
Cc: Lloyd, Trevor; "relmore@rlepc.com"; Whitney, Bill; "Jim Borelli"
Subject: RE: Case #: VA16-006 Eget Residence/Planner: Trevor Lloyd
Date: Monday, September 26, 2016 5:30:00 PM

Ms. Nelson,

Public comment letter are not sent to the Citizen Advisory Board Member. All agency and public comments sent to staff are provided to the Board of Adjustment. Since you emailed your letters to the CAB members, I did provide a copy of all the public comment letters to the CAB Liaison, so she is aware of everyone's comments.

I am sorry if you miss read the notice. Other than the Courtesy Notice making you aware of the tentative date of the Citizen Advisory Board meetings (CAB) meeting, the County does not mail notice for their meetings. The CAB meeting agendas are posted around town in designated locations, 10 days before every meeting. The Courtesy notices states that you will receive a legal notice before the Public Hearing. The Public Hearing will be held at the Board of Adjustment meeting on October 6, 2016, notice will be sent 10 days before the BOA meeting.

My apologies for confusing you, I think the staff report it is scheduled to be posted to the County Web page on Wednesday. As I stated below, the fence is not in the line-of-sight triangle. Therefore it is fine where it is. I did make note of that in my staff report.

Sincerely

Eva M. Krause, AICP
Planner
Washoe County Community Services
Planning and Development Division
775.328.3628
erkrause@washoecounty.us

WashoeCounty.us

From: Terry Nelson [mailto:tnelson@greatwesternre.com]
Sent: Monday, September 26, 2016 4:50 PM
To: Krause, Eva; Incline Village Crystal Bay CAB; CAB; Tavener, Andrea
Cc: Lloyd, Trevor; relmore@rlepc.com
Subject: Re: Case #: VA16-006 Eget Residence/Planner: Trevor Lloyd

Ms. Krause:

We are assuming that the documents sent to the county previously and again today along with our email at 2PM have been sent to CAB
for their use at this evening's meeting and will be reviewed by them; we will not be doing anything further regarding this matter. The notice card sent to us by the county lists a "tentative" date, and states that we would receive an official notification when a CAB meeting was with a definite hearing date was actually set. Based on the content of this notice card, we expected to be given further notice; which we did not receive.

I am confused by your statement that the Board of Adjustment report will be available by the end of next week; which, of course is after the scheduled hearing date of 10/6/16. We need to be assured that we will have that staff report in plenty of time to prepare for the hearing on 10/6/16. Also, your email to me does not address the county's position regarding the fence.

Thank you,
Terry Nelson
Great Western Real Estate
775-831-4194 Direct
tnelson@GreatWesternRE.com

On Sep 26, 2016, at 3:17 PM, Krause, Eva <EKrause@washoecounty.us> wrote:

Hello Mrs. Nelson,

The Courtesy notice mailed on August 24, 2016 include the time and date of the Citizen Advisory Board meeting. Trevor Lloyd was the assigned planner, but due to staff caseloads, the Eget case was reassigned to me. Trevor's forward your letter to me on August 31, 2016 and cc'd you of the change of staff.

As I stated in my email to you on September 13, 2016, I did review your letter. I have noted your concerns in my staff report and include all public comment letters received as attachments to the Board of Adjustment staff report. The report will be available by the end of next week.

I was able to do a site visit on September 21, to get a better understanding of the physical conditions of the property. I did check the fence to be sure it is not located in the line-of-sight triangle per your concerns.

Sincerely,

Eva M. Krause, AICP
Planner
Washoe County Community Services
Planning and Development Division
775.328.3628
erkrause@washoecounty.us

WashoeCounty.us

From: Terry Nelson [mailto:tnelson@greatwesternre.com]
Sent: Monday, September 26, 2016 2:00 PM
To: Incline Village Crystal Bay CAB; CAB; Tavener, Andrea
Cc: Lloyd, Trevor; Krause, Eva; relmore@rlepc.com
Subject: Case #: VA16-006 Eget Residence/Planner: Trevor Lloyd

Washoe County Manager's Office/Incline Village/Crystal Bay Citizen Advisory Board:

Per the notice sent to us by the county, we were supposed to have been advised when a CAB meeting was set for public hearing.
Because we were never notified, and because the planner of record (Trevor Lloyd) says he can not discuss the file with us even though he is currently referenced as the point of contact on both the Office of the County Manager's website and the county's planning and development website, we went onto the county's website today and discovered that apparently this hearing with Trevor Lloyd and the CAB panel has been scheduled for public discussion today at 5:30PM. (For the record, we would like to note that this meeting mentioned on the county's website referencing Trevor Lloyd as the planner is still being referred to as a "detached garage addition.")

We were promised by Trevor Lloyd at the county on 8/29/16 that our 4 page letter of objection to this incomplete application would be provided to CAB if and when this was scheduled for public hearing; however we have received no feedback from the county regarding this.
Thus, we are sending this to CAB and the county once again, requesting verification of it's receipt along with a statement that CAB will in fact review it along with this email prior to commenting on this "variance application." We would like to reiterate once again that this incomplete application is actually a request for a large four story second residence to be constructed in only 12' of buldable space with a 10' long driveway extending directly into a blind, dangerous, and already overly congested and cluttered corner; and that it is simply being poorly disguised as a series of variance requests by the applicant. Trevor Lloyd confirmed this on 8/29/16, at which time he advised that he would start collecting the missing documents and paperwork related to this request. Where is the special use permit and floorplans that are also required, per Trevor, in order to fully define this applicant's true request? We were advised by the county a month ago that they would look into collecting the rest of the required documentation,

and that only then could they advise us as to the procedural and public steps that would need to take place in it's review. We have received no feedback regarding either this issue or any of our concerns of record. Thus, we have been given no choice but to retain legal counsel to look into the handling of this matter, because even though the planning process is supposed to exist to serve the public interest and provide them with full clear and accurate information so that we may have a chance to play a meaningful role; we do not feel that this is what has been done so far in this case.

Despite our repeated protests and requests for not only feedback, but also further clarification and open communication, this egregious incomplete request has apparently been prematurely scheduled for public comment and review without being fully defined as of yet; while our rights and concerns have been completely ignored. From perusal of the limited documentation available, this application to the county clearly attempts to void every type of protection that the development code provides and requires. It violates numerous codes, including those stating that this second residence is required to be placed on a superior building site, and that the chosen ingress/egress that currently exists off of Tuscarora can not be later changed by subsequent development of this parcel; and it is in fact proposing an unauthorized use. It also asks the county to disreqard all four setbacks on this property (three of which are 20' front yard setbacks due to the multiple intersections and streets that surround three full sides of this property.) As we have pointed out repeatedly, this parcel sits adjacent to the most dangerous series of corners in Crystal Bay. This application is requesting that the county ignore codes related to "unobstructed yards" and "safety triangles" that relate to required unobstructed lines of site at our expense and at the expense of the public at large. This particular site is quite obviously not suitable for this type or intensity of development.

Given limited time due to the lack of proper notice and lack of requested feedback, we are now being advised to submit our comments once again in writing directly to CAB, in lieu of our and our attorney's appearance at this hearing, which we just discovered will be held in just a few short hours. We have submitted our objections to this application once again to the only contact information that we could find on the county's website. Please confirm receipt and acknowledge our repeated requests to be made part of this process that have gone unanswered to date. Please forward any further communications on this file to the lawyer that we have retained to represent us at:

Mr. Rick Elmore
3301 South Virginia St.
Reno, NV 89502
(775)357-8170
relmore@rlepc.com

I have attached our four page letter of objection, which was emailed and mailed to the county on 8/29/16; and signed for by the county on 8/31/16. I have copied Mr. Elmore's office on this email, per his request.

Thank you,

Brian and Terry Nelson
464 Teresa Court
Crystal Bay, NV 89402

<VA16-006 Courtesy Notice.docx>

10/5/16

TO: Washoe County Board of Adjustment

FROM: Brian and Terry Nelson
P.O. Box 1374
464 Teresa Ct.
Crystal Bay, NV 89402
Parcel #: 123-136-03

RE: Case #: VA 16-006 (Eget Residence) in Commission District #1
Parcel#: 123-136-02
45 E. Tuscarora Rd., Crystal Bay, NV 89402

Washoe County Board of Adjustment:

We would like to make our disagreement with the staff planner's recommendation regarding this proposed variance part of the record. Please find attached our original letter of objection to multiple facets of this incomplete and not yet clearly defined variance request. We would like to present the Board of Adjustment with the following facts surrounding Eva Krause's handling of this file in preparation for your hearing:

A month ago, when the county was notified of our objections both by phone and in writing, we were assured that all of our concerns would be addressed and responded to in a fair and objective manner. Trevor Lloyd advised us at this time that this applicant had in fact submitted a request to build a second residence on this property. We were thus instructed by him that our questions regarding the review process for this incomplete application could not be answered until the applicant submitted the remaining missing items which included a special use permit and floor plans. We were told that we would remain in the loop as the completion of this application progressed. At this time, Trevor also verified that the fence on the property was erected illegally without a permit on the property, and that the sauna that we brought to his attention was also in violation of county codes. We also made him aware of un-permitted improvements being erected within the three front setbacks and the county right of way. A few days later when no one got back to us and we called back again, we were advised that Eva Krause already had a well established long term relationship with these applicants, as she had met with and spoken to them on many occasions prior to this application being submitted. We were advised that Eva Krause would be contacting us to discuss the file, per our request to speak to her and to meet with her. We were told that the county's policy was that if they met with one party that they would meet with all parties, so to remain objective.

The county never got back to us, and our emails were responded to only by automated responses that Eva was on vacation returning 9/13. We called back and asked that the file be reassigned to someone that was available so that both we and the county could properly prepare for the hearings, but we were told no, and that we had to wait for Eva. The only feedback we got from Eva when she returned from vacation was a short email which stated that we got the same variance 20 years ago, and that she was noting this in her report. She did not address any of our specific concerns other than a general and dismissive statement saying that the points we brought to her attention did not matter. She then proceeded to defend an un-

permitted fence that she had not even seen, while telling us we were wrong about specifics of the code related to this fence. To date we still have not received an explanation or response from the county as to why an illegal un-permitted fence which so obviously blocks a driver's ability to see as they drive around these dangerous corners is being so vigorously defended by a county planner. I was advised by the county that only code enforcement had authority over such matters, yet Eva Krause has made it a point in her emails to me and in her staff report for this variance that the fence is "just fine where it is." Eva never did call us or meet with us as we had requested, and as we had been promised; even though she admits meeting with the applicant.

Why were we not notified about the definite scheduling of the CAB meeting? The county's mailer says that notice will be sent when tentative public hearings were scheduled for sure. When I inquired with Eva as to why no notice was sent to us when we had specifically requested it, she said that the CAB meeting was not a "public hearing." We would like it noted for the record that she later describes this CAB meeting as a "public hearing" in her staff report. It is also very suspicious how Eva Krause handled the public comment letters. Trevor Lloyd promised me on 8/29 that he would send our letter of objection to the CAB meeting; in fact he even suggested it and I thanked him agreeing that this was a good idea. However, when Eva took over the file and then left on an immediate two week vacation no one ever followed up with us on this. When we did not receive notice as we were instructed that we would about the definite scheduling of the CAB meeting, we discovered last minute by going on the county's website that it in fact had been set for sure on 9/26. By that point, we had already retained an attorney who works out of Reno to advise us on the matter of this variance, and it was too late for all of us to make it to this meeting.

Because we had never received confirmation from the county that our letter had in fact been sent to CAB, our attorney advised us to send it to some emails that I found for CAB on the county's website and to copy Eva asking her to confirm that she had in fact already sent it. Eva's immediate response was that we should not have sent it to CAB and that she was now going to send all of the public comments to CAB. She never did answer our inquiry as to whether our letter had been sent to CAB previously as Trevor promised it would be. We never received either a response or confirmation of receipt from any of the emails that we sent this to. We believe that the answer to this question may be obvious based on the fact that once we did as our attorney instructed, Eva very quickly obtained and sent in three other public comment letters to CAB. It was very suspicious to us when we later discovered that our letter was the only one voicing objections to the approval of this variance. Why did Eva Krause work so hard at collecting and sending these other letters last minute to CAB when no one was requesting that she send their letters in but us?

Eva Krause advised us by email that the staff report would not be available for review by us until after the Board of Adjustment hearing on 10/6/16. The only reason that we even obtained a copy is because we continually checked the county's website looking for it. Now that we have finally had a chance to review this report the day before the hearing, we would like to submit for the record the following observations, objections, and discrepancies:

The still incomplete application only shows floor plans for two of a total of four stories of this large second house being proposed. There is still no special use permit attached, as we were instructed was necessary and required by the county. It appears as though the county is asking the public to believe that the applicant will continue to live in a 700 sq.ft. cabin with no

laundry facilities or a garage, and not actually move into a 2,000 sq.ft. plus brand new lake view home where his garage, laundry, multiple bathrooms, exterior decks, bedroom, exercise room, and living areas would now be located. This second home will be nearly four times the size of the existing cabin. Who at the county is going to ensure us that the owner will be prevented from moving into this far superior second residence? This is not only not enforceable, but not even believable. It took Trevor Lloyd less than 5 minutes on the phone with us to insightfully recognize that the applicant was actually requesting that the county let him build a much larger second four story house on this property. Why has Eva Krause now changed the county's position on this, and appears to helping the applicant to disguise what this actually is? Eva Krause is still describing it as "a detached accessory structure to be used as a garage," She then says that the applicant just wants a few extra plumbing fixtures so that the bedroom, office, exercise room, living areas exterior decks (all with premium lake views that Eva says the codes do not prohibit them from having) are "more comfortable to use."

The staff report does not even match the applicant's variance request in multiple areas. For example, the applicant has requested a variance on the Wassoe setback from 20' - 14.5'; however Eva's just released report now states that this variance request is for from 20' - 7'. Which is it? And if a change has been made, why haven't the drawings been revised? Because we have never been given any feedback, the public has no way of knowing what is actually being requested here. Eva's statements also do not match the variance application or drawings. For example, Eva describes the applicant's request to add a "1/2 bath" to the existing cabin as being the reason for the variance request on the north side setback. In fact, the applicant's paperwork shows not only a large second full bath being added, but also the entire north side wall of this cabin being increased in size by 3'. She also fails to mention the main reason for the north side variance request is to facilitate the building of the second four story house at the opposite end of the property.

To date, Eva has only responded to about half of the concerns we brought to her attention; and here are additional problems that exist with her limited responses:

We pointed out correctly that this lot is not steep, per the county's own definition. Eva is no longer commenting on her erroneous past statements, but is now saying that if a street was currently built in the county that this grade would not work. Why will Eva not just admit that the lot, per the county's own definitions and codes used for the purpose of variance determination, is not "steep"?

We pointed out that the code says once you choose ingress/egress, you can not change this with later development. This is especially true when the new site of construction is not superior to the site of the existing construction. Please explain where in the code that this is being allowed, as we have requested.

We have correctly pointed out that this cabin has no historic value for the county to protect; and thus, the applicant is really just choosing not to expand the existing residence. Why has Eva not recognized this fact per the county's own definition of "historic value" for the purpose of variance determination that this is the case? Instead she continues to grasp for straws to hold on to this ludicrous attempt to create a hardship for the applicant by saying that the "Secretary of the Interior says that this property is potentially historically significant," and that the "owner likes it."

Eva goes on to defend the applicant's right to completely disregard all of the county's restrictions currently in place on this parcel by saying that he "just wants to keep the cabin, enlarge an undersized bathroom, and add a garage." No one who spends any time looking at these plans would agree with this misleading statement. But even more importantly, why is a county planner defending a private party's right to violate so many county rules, when she is employed to uphold those very requirements?

Eva continues to defend the illegal un-permitted fence and un-permitted improvements being made in the county right of way on this property. All one has to do is come to the site and observe how all of the obstacles being added daily including fencing, plantings, firewood piles, saunas, etc, in these setbacks/line of site triangles have created a dangerous situation here that we have advised the county poses a public safety threat. The latest addition has been a 4' high dirt retaining wall about 20' in length encroaching on the neighboring property, which was recently built via this applicant's illegal trespass onto our property. If the county had done something to correct all of these violations a month ago when they were made aware of them, the situation here would not be nearly as serious as it is now. This out of state second homeowner applicant is completely unconcerned with the rules and regulations that exist here as a direct result of the county's inaction. Why has this been allowed to continue unchecked while the county has had multiple employees visit the site? Has Eva Krause misrepresented the true situation that continues to unfold and evolve here daily to her employers at the county?

Regarding other public comments: We would like it noted for the record that we were the only ones who's background was checked. We were also the only ones told that we were wrong, and that our comments did not matter. There were only three other public comments besides ours, and they all consisted of one paragraph last minute general statements with no details or facts from people who have little or no stake in this variance, are tenants, or in one case who's comments are not even related to the matter at hand. What does a "dogs at large" complaint have to do have to do with this variance process? We have our suspicions that this planner has attempted to color our objections unfavorably while ignoring the law. We would also like to point out for the record that Mr. Mayo's irrelevant comments were incorrect, as he was fined as a result of the dog complaint that Eva has made part of her Variance Staff Report. All Ms. Krause had to do was simply check the county records to confirm this as it is a matter of record; which she clearly did not do. Please ask Eva Krause how and why this completely separate and unrelated matter became part of these proceedings; especially in light of the fact that Mr. Mayo is not even an "interested party" per the county's definitions because he lives so far away from this property.

Eva Krause did not even take the time to get her facts straight when she investigated us. Her characterization of our construction was that it was a teardown/rebuild. For the record, it was actually new construction. Ms. Krause could have easily looked this up while she was digging though the rest of our records so that she got it right. For the record, our variance was requested and granted because of the encroachment into the setback by the adjoining property; which made it necessary in order for us to be able to construct our home. Not that it is in any way relevant to these proceedings, but our circumstances and our property have nothing in common with the property that is the subject of the current variance request now 20 years later. Please ask Ms. Krause to explain why this background investigation on only us, which resulted in erroneous and irrelevant information being made part of the public record on this applicants variance by her, was done at all?

Eva Krause has made multiple inaccurate statements in her staff report. For example, she states that the bear box for this applicant's property had to be placed on Teresa Ct., because the garbage truck could not stop on Tuscarora due to safety concerns. Neither the neighbor who owns this property or the garbage pickup company perceives that there is a problem here. Nothing regarding this issue was even mentioned by the applicant. So, as there is clearly no problem here, why is Eva Krause trying to create one? Eva has admitted having visited the site, at which time all she had to do was look across the street to see the neighbor's bear box immediately across the street from this property on Tuscarora. Please ask Eva why she continues to make so many false and misleading statements, which one could construe as an attempt to promote and defend the approval of this applicant's variance.

Why have we been very effectively prevented from being part of this process, when people's irrelevant erroneous comments have been promoted, supported, and defended, and made part of this process? Please ask Eva Krause to explain this. If Eva had just communicated with us as we requested, we could have explained our points, and helped her to avoid the inaccuracies that now plague this report. A planner can not possibly be objective unless they hear all sides of a situation; as Trevor Lloyd pointed out when he told us that the county's policy was to speak to both the applicant and us so that he could remain objective and fully informed. Why would Eva Krause proceed to communicate with everyone but us in this circumstance regarding this particular variance? The outcome of this variance process has a more direct affect on us than on any of the other surrounding property owners; and we feel that our voice has been effectively silenced by Ms. Krause's actions. Why are we not being treated fairly?

The planning process exists to protect the public interest, and this planner is advocating for a private property owner who's objectives are not legal or consistent with the public interest. The approval of the construction of this four story second residence within only 12' of buildable space will not benefit anyone but the applicant. The planning process must be fair and honest because private interests conflict with public interests; especially in the context of the unique circumstances of this case. Ms. Krause's arguments in support of it only represent a small part of the story and depict deeply flawed inaccurate representations on many levels.

This lot is not unusually narrow or steep, and is not unfairly encumbered with overly restrictive setbacks and safety lines of site as Eva Krause would lead us to believe. Eva also continues to distort the facts when she makes a point about how narrow Tuscarora is. The fact is that all of the streets in Crystal Bay are narrow; so narrow that when cars are parked in a 10' driveway like the one proposed by this applicant on Teresa Court, that we can barely pass to exit our cul de sac. We advised Eva that we know this to be true because of the similar driveway immediately adjacent to the proposed one that already creates this very dangerous hardship for us. We also told her that the already dangerous and congested situation created by the three cars lined up consistently and regularly at this busy vacation rental would be exacerbated by this variance, which if granted would add two more cars lined up and protruding into the road on this already dangerous corner. Eva advised us that this was irrelevant, that it did not matter, and that she would not take it into consideration in her decision.

This owner is not being treated unfairly by not being allowed to build on the "premium view side of his lot" regardless of Eva's statement to the contrary when she erroneously points out to that the county codes do not prevent him from doing exactly that on this particular lot. Mr. Eget knew when he bought this lot that he would not be allowed to do what he is now requesting. The unique circumstances immediately adjacent to this lot are unlike any in the immediate area,

and the county has properly restricted it's development to protect the public interest and the integrity of the planning process. The granting of this variance would give this private party applicant special privileges at everyone else's expense. The issues that we have raised regarding these unique and complex circumstances are material to the discussion regarding whether or not this variance would constitute an appropriate use of this parcel, contrary to Ms. Krause's written opinion that our points do not matter.

A garage with a 10' long driveway located where this one is proposed would result in people backing out blindly into one of the most dangerous corners in Crystal Bay. The location of this particular driveway would also mean that when cars are parked in this driveway that they would already be protruding dangerously into this corner. This would also cause the lineup of cars in these 10' driveways sticking out into the road to go from 3 to 5 when you consider that this dangerous situation already exists at the adjoining busy vacation rental to the immediate north of this property. This is certainly not serving the best interest of the public, let alone us. Remember that three setbacks along with standards regarding safe length for driveways would all have to be violated to accomplish this egregious task; there is a reason why you would have to break so many rules to create this dangerous situation. The rules and restrictions all exist for a reason, and need to be upheld and enforced. If the county has allowed something similar to this somewhere before, as Eva eludes to, then it certainly does not qualify as a safe application in this specific situation. Eva Krause, per her staff report, would have you believe that all of this can somehow be mitigated by simply requiring the owner to install an automatic garage door opener!

Eva also once again incorrectly characterizes this as a "garage with a second story." Please, can't we just call it the four story house that is clearly depicted in the drawings submitted by the applicant himself? It is simply not believable that you need a four story garage if your intent is only to to enclose two cars and to store some stuff in your "accessory structure" as Eva Krause describes it. It is quite obviously a large four story house with a 2 car garage. This is an unauthorized use, despite Ms. Krause's well thought out and hard fought attempt to paint it otherwise. We seriously doubt that the county has ever granted permission for a series of violations of so many rules at once under similar circumstances through the use of "blanket precedent." General precedent which does not take into account the unique special circumstances of this specific individual application can not be applied in this case by Eva Krause simply because it is convenient for her; per the rules within the Board of Adjustments Policy Manual itself.

The granting of these variances would also cause the destruction of one of the only remaining healthy old growth sugar pines in the entire area. Thus, this second house would not only exacerbate already existing clutter, nuisance issues, aesthetics, safety concerns, and general issues related to overpopulation of this immediate area, but also would serve to degrade the integrity of the natural environment. The creation of such congestion in such a small area by adding a second residence to this small lot does not serve the public good in any way; in fact it harms the public good. There is a reason why the existing residence on this property was built on the East side of this lot; both the builder and the county got it right the first time around. If the county determines that this request to violate all these rules is acceptable, then why have any rules at all? NRS 278.300 states that a variance should not impair the intent and purpose of any code or resolution.

We thus submit, once again for the record, that this private owner has no legitimate defendable hardship, regardless of what Eva Krause would lead you to believe, and that he is making a purposeful optional choice not to simply expand his already existing residence to meet his needs. The only unique circumstances that exist regarding this lot that are material to this variance process actually support the necessary existence and enforcement of the current three front yard 20' setbacks and all of the related safety and line of site codes associated with permitting requirements, unobstructed yard codes, safety line of site triangle ordinances, etc. on this lot. None of these unique and necessary requirements pose a hardship to the owner of this property, but instead are in place to protect all of us. It is the county's special duty to make sure that they remain in place due to the unique and serious protective role that they play specific to both this parcel and what exists and occurs immediately adjacent to it.

County permission granting the violation of all of these rules would negatively affect our safe and peaceful use of our primary residence, not only harming us but also the public at large. The planning process is supposed to exist to serve the public interest, and Eva Krause has failed in her special responsibility as a planner to accomplish this. She has given the appearance of aligning herself with the private interests of one private property owner who is the only one that stands to gain if Eva is successful in her attempt to set aside all of our communities rules to his benefit. Eva Krause has not fairly, honestly, objectively, or transparently processed this file. This has resulted in a biased judgement that has not taken into account all sides of this very complex story. Not only did she not have all the relevant material information available to make a fair and objective decision, but neither did we; because she effectively prevented us from playing a meaningful role by not respecting and facilitating our right to participate.

There simply is not any relevant precedent to apply to the very unique circumstances that surround this situation. Per the Board of Adjustment Policy Manual, planners "must examine the applicability of planning theories, methods and standards to the facts and analysis of each particular situation and do not accept the applicability of a customary solution without first establishing its appropriateness to the situation." As we are two of the few remaining year round residents in this area, who have lived at our home located no more than 50' from this property for almost 20 years year round, if Eva had just contacted us, spoken to us, and met with us as we were promised we could have explained...

When this file is looked at objectively and independently while taking into account the specifics of this parcel as required, it becomes readily apparent that none of the four required findings exist that would authorize the Board of Adjustment to grant this variance request:

- There are no special circumstances that create a hardship for this owner. The unique circumstances surrounding this property in fact support the need for the existing restrictions to be enforced and upheld as they currently exist.

- If this variance were granted it would harm the public good; and would definitely impair the intent and purpose of the development code.

- If this variance were granted it would give special privileges to the private party who owns this lot at everyone else's expense. We would in fact be the ones being treated the most unfairly by this because it would so severely negatively affect our safe and peaceful use of our own property.

- When this request is recognized for the four story second residence that it truly is; it will also become clear that it is an unauthorized use.

We simply don't understand why all of this is being allowed. These are all clear violations, and Eva Krause is ignoring all of this. Eva Krause is supporting what appears to be an extreme and purposeful abuse of county discretion; this is very concerning. These rules and restrictions all in place to protect the public interest, and it is the county's job to make sure they are adhered to. When a planner becomes so extreme as to describe this lot as being "encumbered with three overly restrictive 20' setbacks" which she believes somehow create a hardship for this private property owner, and then goes on to advocate for this applicant by using this as a way to defend his attempted violation of virtually every restriction that exists on this lot, you have to ask yourself why this is occurring. These restrictions are properly in place to protect us and the public at large, who without them would experience extreme hardship. Why is a county planner working so hard to defend one private property owner's right to go against so many rules and regulations on this one very uniquely and properly restricted parcel? Please ask yourself, and ask Eva, WHY?

From: Rick Elmore
To: Whitney, Bill; Emerson, Kathy; Fagan, Donna
Cc: Krause, Eva; Edwards, Nathan
Subject: Eglet application before The Board of Adjustment
Date: Thursday, October 06, 2016 11:28:03 AM
Attachments: CCE10062016.pdf

I represent Terry and Brian Nelson. I am conveying to you the Nelson's letter in opposition to the Eglet application, Case # 16-006. Please include this letter as part of the record of this matter and distribute it to the Board of Adjustment members before the hearing today. Given the detail of the letter, the members should have an opportunity to consider the Nelson's position before the meeting. Thank you.

From: Krause, Eva
To: "Rick Elmore"
Subject: RE: link to photos for Eglet matter
Date: Thursday, October 06, 2016 12:24:00 PM

If you would like to have these photos include in the record, please make copies and bring to the hearing. Please see Public Participation polices on attached agenda.

Sincerely,

Eva M. Krause, AICP
Planner
Washoe County Community Services
Planning and Development Division
775.328.3628
erkrause@washoecounty.us

WashoeCounty.us

From: Rick Elmore [mailto:relmore@rlepc.com]
Sent: Thursday, October 06, 2016 12:13 PM
To: Whitney, Bill; Emerson, Kathy; Fagan, Donna
Cc: Krause, Eva; Edwards, Nathan
Subject: link to photos for Eglet matter

https://www.icloud.com/sharedalbum/#B0f5idkMwGv0x0T

https://www.icloud.com/sharedalbum/#B0f5GH8MqG9XCVB

Please include these photos as part of the record. Thank you

Richard "Rick" L. Elmore
Richard L. Elmore, Chartered
3301 S. Virginia St., Suite 125
Reno, NV 89502
Phone: (775) 357-8170
Fax: (775) 357-8172
Email: relmore@rlepc.com

Attachment K

From: Terry Nelson
To: Krause, Eva; Lloyd, Trevor; Webb, Bob; Emerson, Kathy
Cc: relmore@rlepc.com
Subject: Case#VA16-006(Eget)/parcel#123-136-02/45 E. Tuscarora Rd., Crystal Bay, NV 89402
Date: Tuesday, January 31, 2017 4:17:24 PM

To Whom It May Concern:

We do not think the notice given is legally sufficient, because it does not describe what the true nature and full extent of the construction is.

Sincerely,
Brian and Terry Nelson
464 Teresa Ct., Crystal Bay, NV 89402
775-831-4194 Direct
tnelson@GreatWesternRE.com