

## WASHOE COUNTY

Integrity Communication Service <u>www.washoecounty.us</u>

### STAFF REPORT BOARD MEETING DATE: May 28, 2019

**DATE:** May 8, 2019

**TO:** Board of County Commissioners

FROM: Julee Olander, Planner, Planning and Building Division,

Community Services Department, 328-3627,

jolander@washoecounty.us

THROUGH: Mojra Hauenstein, Architect, AICP Planner, LEED AP,

Director of Planning and Building, 328-3619,

mahuenstein@washoecounty.us

SUBJECT: Public hearing: Appeal of the Washoe County Board of

Adjustment's denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages). The project is for a variance to reduce the front yard setback from 15-feet to 1½-feet and the northwest side yard setback from 5-feet to 1-foot. This variance would allow the construction of one single car garage

and one two-car garage in the common area.

The Board of County Commissioners may affirm, reverse, or

modify the decision of the Board of Adjustment.

The applicant and property owner is Greenview HOA. The address is 692 Palmer Ct. in Incline Village. The Assessor's Parcel Number is 128-310-05. The Master Plan Category is Urban Residential (UR) and the Regulatory Zone is Low Density Urban (LDU). The project is located within the Tahoe Area Plan and within the Incline Village Crystal Bay Citizen Advisory Board boundary. The variance request comes under WCC Chapter 110, Article 804, Variances. (Commission

District 1.)

#### **SUMMARY**

The appellant, Greenview HOA, is seeking to overturn the Washoe County Board of Adjustment's (BOA) denial on March 7, 2019. The appellant has appealed the denial providing justification to support the second finding (No Detriment) and third finding (No Special Privileges), which were the findings that the Board of Adjustment was unable to make.

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

#### PREVIOUS ACTION

On February 4, 2019, the variance was to be heard by the Incline Village/Crystal Bay Citizen Advisory Board (IVCB CAB); however the meeting was canceled due to weather issues.

On March 7, 2019, the variance was considered, in a public hearing, before the BOA. The BOA took action to deny the variance unanimously. The board was unable to make the second finding (No Detriment) and the third finding (No Special Privileges).

#### **BACKGROUND**

The Washoe County Board of Adjustment denied the proposed variance based on the inability to make all of the findings required by Washoe County Code (WCC) Section 110.804.25; specifically, the BOA was unable to make the second and third finding for approval of the Variance request [WCC Section 110.804.25(b), stated below:

- 2. <u>No Detriment</u>. 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. <u>No Special Privileges</u>. 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.

The appellant's application (see Attachment C) addresses the BOA's concerns regarding Findings 2 and 3 with the following comments:

#### No Detriment

The appellant states that the garages will not be a detriment and will not impact the neighbors or their views.

#### No Special Privileges

The appellant states that all the other units on the street have garages.

The BOA staff report (see Attachment B) deemed the construction of the garages as bringing the property closer to conformance with current parking requirements, per Article 410 of the Washoe County Development Code which requires one enclosed garage per dwelling unit. Staff was able to make all the findings, including Findings 2 and 3, with the following comments:

#### No Detriment

The construction of the garages will not create any detriment to the public and will remove vehicles from parking in the public right-of-way, which will allow snow removal equipment to work more efficiently in the area.

#### No Special Privileges

The construction of the garages will not create any detriment to the public and will remove vehicles from parking in the public right-of-way, which will allow snow removal equipment to work more efficiently in the area.

#### FISCAL IMPACT

No fiscal impact.

#### RECOMMENDATION

It is recommended that the Board of County Commissioners affirm the decision of the Board of Adjustment and uphold the denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages).

#### **POSSIBLE MOTIONS**

Should the Board <u>agree</u> with the Board of Adjustment's denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages), staff offers the following motion:

"Move to deny the appeal and affirm the decision of the Board of Adjustment to deny Variance Case Number WPVAR19-0001 (Greenview HOA Garages). The denial is based upon the inability to make the findings required by WCC Section 110.804.25, *Findings*.

Should the Board <u>disagree</u> with the Board of Adjustment's denial of Variance Case Number WPVAR19-0001 (Greenview HOA Garages), staff offers the following motion:

"Move to approve the appeal and reverse the decision of the Board of Adjustment and approve Variance Case Number WPVAR19-0001 (Greenview HOA Garages). The approval is based on the Board's ability to make all four of the findings required by WCC Section 110.804.25, *Findings*.

#### Attachments:

Attachment A: Board of Adjustment Action Order dated 3/7/19

Attachment B: Board of Adjustment Staff Report dated 3/7/19

Attachment C: Appeal Application dated 3/11/19

Attachment D: Board of Adjustment Minutes of 3/7/19

cc: Appellant/ Property Owner: Greenview HOA, 692 Palmer Ct, Incline Village, NV 89451, Email: jh1nsa@gmail.com



## **WASHOE COUNTY**

# COMMUNITY SERVICES DEPARTMENT Planning and Building

**Attachment A**1001 EAST 9<sup>TH</sup> STR**E89e 1**RENO, NEVADA 89512-2845
PHONE (775) 328-6100
FAX (775) 328.6133

# Board of Adjustment Action Order

Variance Case Number WPVAR19-0001

Decision:

Denial

Decision Date:

March 7, 2019

Mailing/Filing Date:

March 8, 2019

Property Owner:

John & Doreen Maria Hash, Tao Fung, George & Nancy Learmonth and

Ross Malinowski

Assigned Planner:

Julee Olander, Planner

Washoe County Community Services Department

Planning and Building Division

775.328.3627

jolander@washoecounty.us

Variance Case Number WPVAR19-0001 – For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 15-feet to 1 ½-feet and the northwest side yard setback from 5-feet to 1-foot. This variance would allow the construction of one single car garage and one two-car garage in the common area.

Applicant;

Greenview HOA

Property Owner:

John & Doreen Maria Hash, Tao Fung, George & Nancy Learmonth and

Ross Malinowski

Location:

692 Palmer Ct.

APN:

128-310-05

Parcel Size:

4,356 sq. ft.

Master Plan:

Urban Residential (UR)

Regulatory Zone:

Low Density Urban (LDU)

Area Plan:

Tahoe

Citizen Advisory Board:

Incline Village/Crystal Bay

Development Code:

Authorized in Article 804 (Variance)

Commission District:

1 – Berkbigler Commissioner

Notice is hereby given that the Washoe County Board of Adjustment **denied** the above referenced case number based on the inability to make all findings required by Washoe County Code (WCC) Section 110.804.25, the Board was unable to make findings #2 (No Detriment) and #3 (No Special Privileges) below.

#### Required Variance Findings (WCC Section 110.804.25)

1. <u>Special Circumstances</u>. 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





Memo to: Subject: Date:

Page:

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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. <u>No Detriment</u>. 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. <u>No Special Privileges</u>. 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. <u>Use Authorized</u>. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days from the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, call the Planning staff at **775.328.6100**. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Trevor Lloyd, Planning Manager

Secretary to the Board of Adjustment

Planning and Building Division

Washoe County Community Services Department

Applicant/Owner:

Greenview HOA c/o John Hash 692 Palmer Ct. #2

Incline Village, NV 89450 Email: jh1nsa@gmail.com

Action Order xc:

Michael Large, District Attorney's Office; Keirsten Beck, Assessor's Office; Cori Burke,

Assessor's Office; Mojra Hauenstein, Planning and Building;



# Board of Adjustment Staff Report

Meeting Date: March 7, 2019 Agenda Item: 8B

VARIANCE CASE NUMBER: WPVAR19-0001 (Greenview HOA Garages)

BRIEF SUMMARY OF REQUEST: A variance to reduce the required front and side yard setback at 692 Palmer Court, Incline Village to allow for the construction of two car garages, a 2-car garage and a 1-car garage.

STAFF PLANNER: Planner's Name: Julee Olander

Phone Number: 775.328.36274 E-mail: jolander@washoecounty.us

#### **CASE DESCRIPTION**

For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 15-feet to 1 ½-feet and the northwest side yard setback from 5-feet to 1-foot. This variance would allow the construction of one single car garage and one two-car garage in the common area.

Applicant: Greenview HOA

Property Owner: Jean Venneman, John &

Doreen Maria Hash, Tao Fung, and George & Nancy Learmonth 692 Palmer Ct.

 Location:
 692 Palmer

 APN:
 128-310-05

 Parcel Size:
 4,356 sq. ft.

Master Plan: Urban Residential (UR)
Regulatory Zone: Low Density Urban (LDU)

Area Plan: Tahoe

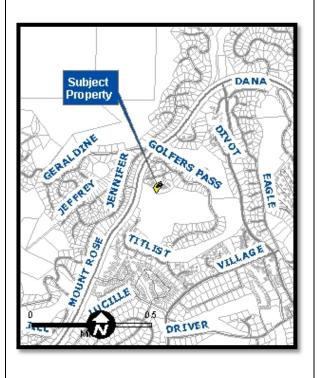
Citizen Advisory Board: Incline Village/Crystal Bay

Development Code: Authorized in Article 804

(Variances)

Commission District: 1 – Commissioner

Berkbigler



#### STAFF RECOMMENDATION

**APPROVE** 

APPROVE WITH CONDITIONS

**DENY** 

#### **POSSIBLE 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 WPVAR19-0001 for Greenview HOA, with the Conditions of Approval included as Exhibit A for this matter, having made all four required findings in accordance with Washoe County Development Code Section 110.804.25.

(Motion with Findings on Page 12)

## **Staff Report Contents**

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		Conditions of Approval	Exhibit A
		Washoe County Code 70 - Winter Parking	Exhibit B
		Agency Comments	Exhibit C
		Public Notice Map	Exhibit D
		Public Comments	Exhibit E
		Incline Village/Crystal Bay Citizen Advisory (CAB) Comments	Exhibit F
		Project Application	Exhibit G

#### **Variance Definition**

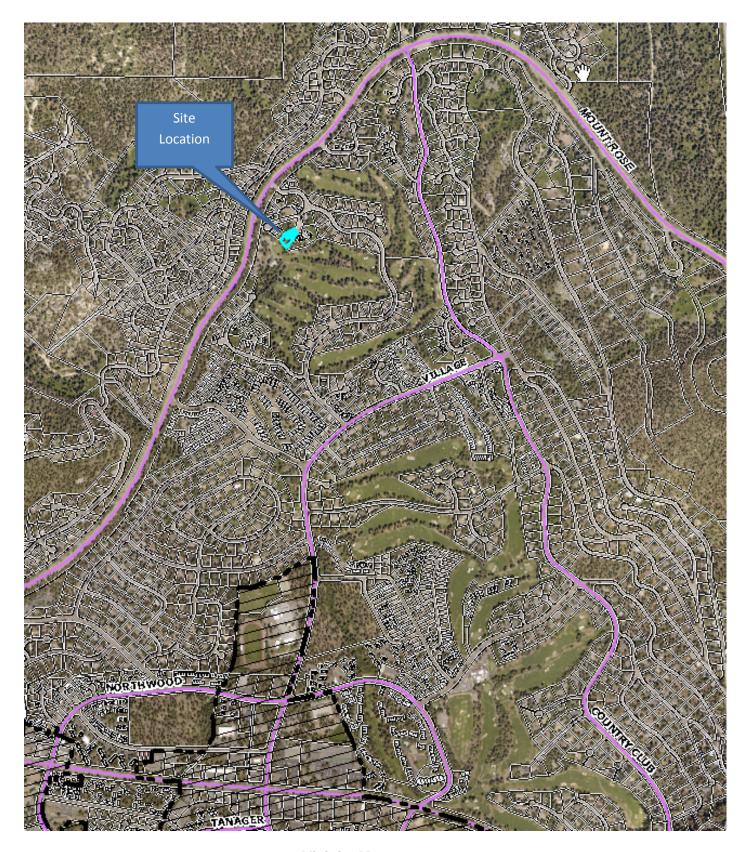
The purpose of a Variance is to provide a means of altering the requirements in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other properties with the identical regulatory zone because of special features or constraints unique 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. If the Board of Adjustment grants an approval of the Variance, that approval is 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.

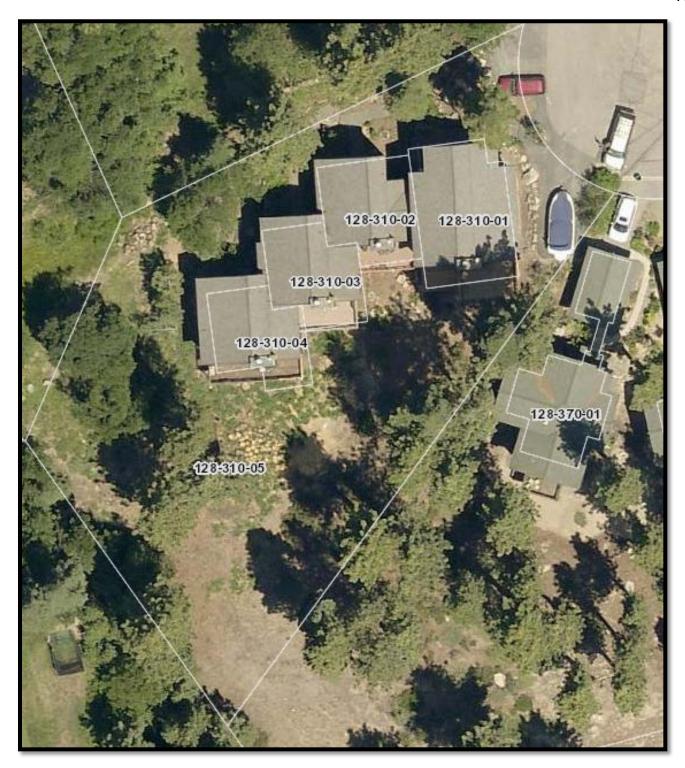
The Nevada Revised Statutes (NRS) 278.300(1)(c) empowers the Board to grant variances in certain situations.

The Conditions of Approval for Variance Case Number WPVAR19-0001 are attached to this staff report and, if granted approval, will be included with the Action Order.

The subject property has a regulatory zoning of Low Density Urban (LDU) and the setbacks are 15-feet for the front yard setback, 10-feet for the rear yard setback and 5-feet for the side yard setback.



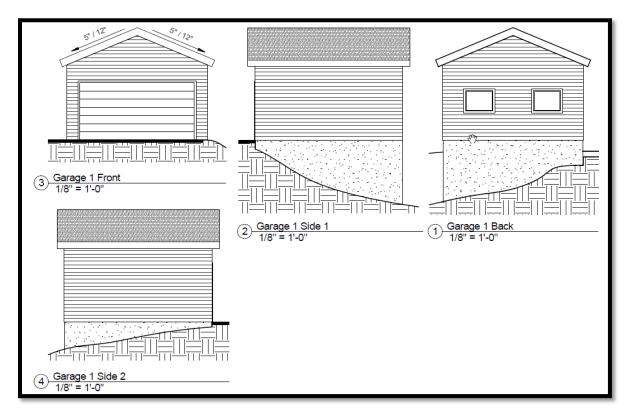
**Vicinity Map** 



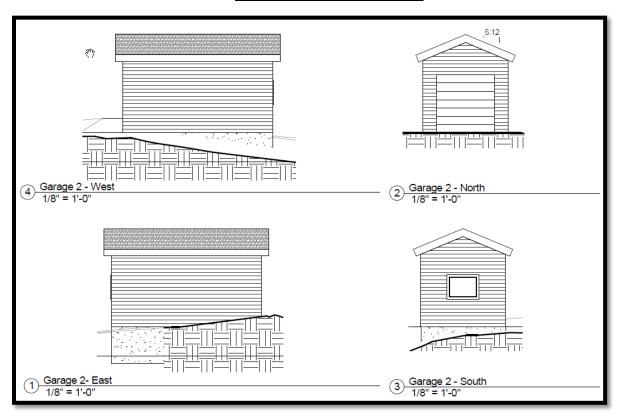
**Arterial Site Plan** 



**Construction Site Plan** 



## **Two-car Garage Elevations**



**One-car Garage Elevations** 

#### **Project Evaluation**

The 4,356 sq. ft. subject property has a regulatory zone of Low Density Urban (LDU), which requires a 15-foot front yard setback and a 5-foot side yard setback. The applicant had previously applied for a variance that was denied on August 3, 2017 by the Board of Adjustment (BOA). The previous request was for two 2-car garages, the current application has changed one of the garages to a 1-car garage. The current request reduces the front yard setback from 15-feet to 1½-feet and for the 2-car garage on the northwest to reduce the side yard setback from 5-feet to 1-foot. The applicant is not requesting to reduce the side yard setback on the east and west side, as was previously requested.

Greenview is a 4 unit condominium that was built in 1979 on a cul-de-sac and garages were not required for single family residences, as the code now requires. The Incline Village golf course abuts the rear of the property on the south, a 4 unit condominium development, an undeveloped parcel owned by the State of Nevada on the west side of the property, and another 3 unit condominium on the east side.

The property is wedge shaped with the narrowest part being located in the front along the cul-desac. There is an open space easement across the rear of the property and a sewer easement that crosses the rear of the property just below the condominium units. The shape of the lot and the location of the structures restrict access to the rear of the property and the open space easement prohibits construction in the rear yard. Also, the property is on a slope and there is a steep drop-off on the western side of the property that inhibits building. The shape and slope of the property limits the possible location of garage spaces and the only viable location for garages is within the front yard setback directly off the public street.

Currently, all parking is on the public street with a parking area adjacent to unit 1, where the 2-car garage is proposed to be located. The residential parking in the public right-of-way can be a violation of County winter parking regulations from November 1<sup>st</sup> through May 1<sup>st</sup>, per Washoe County Code 70.425 (See Exhibit B). The applicant is proposing to relocate residential parking from the public right-of-way onto the property. The proposed garages would be built in the common area, which is owned by the Greenview Home Owner's Association (HOA) and the garages would be owned and maintained by the HOA. The HOA voted unanimously three years ago in favor of locating the garages in the common space.

The proposed location of the garages is very close to the property lines and to ensure that the garages will be located on the Greenview property a condition has been included in the conditions of approval that the front and both side property lines be surveyed and marked before construction begins.



Location for 2-car garage



**Location of 1-car garage** 



Location of 2-car Garage (photo take in July 2017)



Location of 1-car Garage (photo take in July 2017)

### Incline Village/Crystal Bay Citizen Advisory Board (IV/CB CAB)

The proposed project was scheduled to be presented at the Incline Village/Crystal Bay Citizen Advisory Board meeting on February 4, 2019; however the meeting was canceled due to weather issues. The CAB members were able to submit comments – See Exhibit F.

#### **Reviewing Agencies**

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

- Washoe County Community Services Department
  - Planning and Building Division
    - Planning Program
    - Building Program
  - Engineering and Capital Projects Division
    - Land Development
- Washoe County Health District
  - Air Quality Management Division
  - Environmental Health Services Division
- Incline Village General Improvement District
- North Lake Tahoe Fire Protection District
- Nevada Tahoe Conservation District
- State of Nevada Lands
- Regional Transportation Commission

6 out of the 9 above listed agencies/departments provided comments and/or recommended conditions of approval in response to their evaluation of the project application (See Exhibit C). A **summary** of each agency's comments and/or recommended conditions of approval and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order, if the project is approved.

#### **Staff Comment on Required Findings**

Washoe County Development Code Section 110.804.25, Article 804, *Variances*, requires that all of the following findings be made to the satisfaction of the Washoe County Board of Adjustment before granting approval of the request. Staff has completed an analysis of the variance application and has determined that the proposal is in compliance with the required findings as follows.

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.

<u>Staff Comment:</u> <u>Staff Comment:</u> The property is constrained by the wedge shape of the property, slope, easements in the rear of the property, and the surrounding properties, which will not allow access to the property by other means than by the front of the property which requires the variance to build the garages.

- 2. <u>No Detriment.</u> 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.
  - <u>Staff Comment.</u> The construction of the garages will not create any detriment to the public and will remove vehicles from parking in the public right-of-way, which will allow snow removal equipment to work more efficiently in the area.
- 3. <u>No Special Privileges.</u> 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.
  - <u>Staff Comment:</u> The variance is for the front yard setback and the side yard setback that is adjacent to vacant land. Neighboring properties have garages.
- 4. <u>Use Authorized.</u> The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
  - <u>Staff Comment.</u> Code currently required garages for residences and this will bring the property into closer conformance with the code.
- 5. <u>Effect on a Military Installation</u>. The variance will not have a detrimental effect on the location, purpose and mission of the military installation.
  - <u>Staff Comment:</u> 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 WPVAR19-0001 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 WPVAR19-0001 for Greenview HOA, with the Conditions of Approval included as Exhibit A for this matter, having made all five required findings in accordance with Washoe County Development Code Section 110.804.25:

- 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. <u>No Detriment.</u> 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. <u>No Special Privileges.</u> 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. <u>Use Authorized.</u> The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;
- 5. <u>Effect on a Military Installation.</u> Issuance of the permit will not have a detrimental effect on the location, purpose or mission of the military installation.

#### **Appeal Process**

Board of Adjustment action will be effective 10 calendar days after the written decision is filed with the Secretary to the Board of Adjustment and mailed to the 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 Building Division within 10 calendar days from the date the written decision is filed with the Secretary to the Board of Adjustment and mailed to the applicant.

Applicant/Owner: Greenview HOA

c/o John Hash 692 Palmer Ct. #2

Incline Village, NV 89450



# Conditions of Approval

The project approved under Variance Case Number WPVAR19-0001 shall be carried out in accordance with the Conditions of Approval granted by the Board of Adjustment on March 7, 2019. 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.

<u>Unless otherwise specified</u>, 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 Building 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 institution 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 Building Division**

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

#### Contact: Julee Olander, Planner, 775.328-3627, jolander@washoecounty.us

- a. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. The Planning and Building Division shall determine compliance with this condition.
- 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 and the Tahoe Regional Planning Agency. The applicant shall complete construction within the time specified by the building permits. Compliance with this condition shall be determined by Planning and Building.
- c. A note shall be placed on all construction drawings and grading plans stating:

#### NOTE

Should any cairn or grave of a Native American be discovered during site development, work shall temporarily be halted at the specific site and the Sheriff's Office as well as the State Historic Preservation Office of the Department of Conservation and Natural Resources shall be immediately notified per NRS 383.170.

- d. Prior to submission of a building permit for the approved garage, the front and both side property line shall be surveyed and marked by a surveyor licensed in Nevada. Approval of the variance shall not convey any rights or approval to construct on any portion of a structure across the property line, or in the county right-of-way. Neither shall any roof eaves, light fixtures or other structural or architectural elements project over a property line.
- e. The garages are being built within the common area of the Greenview HOA. Each property owner within the development has an equal shared interest in the garages. To maintain common ownership, the variance is granted to the Greenview Home Owners Association (HOA). The HOA is responsible for obtaining all permits, construction, maintenance and ownership of the garages. Individual property owners within the development shall not own said garages.
- f. During construction of garages no construction material and/or equipment shall be located on the adjacent properties without the property owner's permission and notification to the Planning and Building Division.
- g. 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.

#### Washoe County Engineering and Capital Projects

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

#### Contact: Leo Vesely, 775.328.2313, Ivesely@washoecounty.us

a. Provide a hold-harmless agreement, that holds harmless the County for damage to said Owners' property which might arise out of normal snow removal operations by reason of any structures being constructed closer than fifteen (15) feet to the property line, to the satisfaction of the District Attorney and the Engineering Division.

b. The applicant shall install automatic garage door openers prior to the issuance of a Certificate of Occupancy or building permit final sign-off.

#### **Incline Village General Improvement District**

3. The following conditions are requirements of the Incline Village General Improvement District (IVGID), which shall be responsible for determining compliance with these conditions.

#### Contact: Tim Buxton, 775.832.1246, tim\_buxton@ivgid.org

The following will be required by the owner before approval of the Washoe County Building Permit:

- a. Relocation of existing Fire Hydrant to IVGID and North lake Tahoe Fire District (NLTFD) regulations/specifications.
- b. Relocation of existing water meters, utility, and services line.
- c. Relocation of existing sewer services utility lines.
- d. All work is borne to owner.
- e. All work would require approved Plans wet stamped by a Nevada Licensed Engineer.
- f. All work must conform to all IVGID specifications and Nevada State law.

\*\*\* End of Conditions \*\*\*

#### **Washoe County Code**

#### 70.425 - Snow removal: Parking in snow areas.

- 1. It is unlawful during a red designated winter enforcement period, for any person operating or in charge of a vehicle to stop, park or leave standing, whether attended or unattended, such vehicle upon any public highway, road, street, pedestrian path, or bike path, including any portion of the right-of-way thereof, within any designated snow area as provided in this chapter, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer.
- 2. It is unlawful during a red designated winter enforcement period, for any person operating or in charge of a vehicle to stop, park or leave standing, whether attended or unattended, such vehicle in a designated snow storage area, as provided in this chapter, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer.
- 3. It is unlawful at any time for any person or snow removal business to remove snow from private property and place that snow upon any public highway, road, street, pedestrian path, or bike path, including any portion of the right-of-way thereof, or to cause or contract for such removal and placement, within any designated snow area, as provided in this chapter.

(Ord. No. 174, § 4; Ord. No. 998; Ord. No. 1129)

# 70.437 - Designated winter enforcement periods; presumption of red period; notice; burden of proof.

- 1. Beginning November 1 and ending May 1, there shall be two types of designated winter enforcement periods - red and green as described below. The supervisor of the county road division located at Incline Village, or his designee, or the supervisor of the sheriff's Incline Village Substation, or his designee, has the authority to determine whether snow removal equipment will or may be operating and based upon that determination, designate the applicable winter enforcement period. Winter enforcement periods consist of the following:
  - (a) Red. During red periods, snow removal equipment is or may be operating and the winter parking restrictions set forth in section 70.425 will be enforced until the red period is suspended. During the period beginning November 1 and ending May 1, a red period is presumed to be in effect, unless and until notice of a green period has been given pursuant to this section.
  - (b) Green. During green periods, snow removal equipment is not expected to be operating and the winter parking restrictions set forth in section 70.425 will not be enforced.



# **WASHOE COUNTY**

## COMMUNITY SERVICES DEPARTMENT Engineering and Capital Projects

Attachment B 1001 EAST 9<sup>TH</sup> STR Fage 18 PO BOX 11130 RENO, NEVADA 89520-0027 PHONE (775) 328-3600 FAX (775) 328.3699

#### INTEROFFICE MEMORANDUM

DATE: February 06, 2019

TO: Julee Olander, Planner, Planning and Building Division

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

SUBJECT: WPVAR19-0001

APN 128-310-05

**GREENVIEW HOA GARAGES** 

Washoe County Engineering and Capital Project staff has reviewed the referenced variance case and has the following conditions with respect to Drainage (County Code 110.420), Grading (County Code 110.438), Traffic and Roadway (County Code 110.436) or Utilities (County Code 110.422 & Sewer Ordinance).

- 1. Provide a hold-harmless agreement, that holds harmless the County for damage to said Owners' property which might arise out of normal snow removal operations by reason of any structures being constructed closer than fifteen (15) feet to the property line, to the satisfaction of the District Attorney and the Engineering Division.
- 2. The applicant shall install automatic garage door openers prior to the issuance of a Certificate of Occupancy or building permit final sign-off.

LRV/Irv









Date: 1-23-19

Attention: Julee Olander, Planner

RE: Variances Case Number WPVAR19-0001

APN: 128-310-05 Service Address: 692 Palmer Ct

Incline Village NV 89451

Owner: Jean Venneman and John & Doreen Maria Hash

<u>Variance Case Number WPVAR19-0001 (Greenview HOA Garages)</u> – For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 15 feet to 1 ½ feet and the northwest side yard setback from 5 feet to 1 foot. To construct two car garages, a 1-car garage and 2-car garage in the common area.

Applicant: Greenview HOA
 Property Owner: Jean Venneman

John & Doreen Maria Hash

Tao Fung

George & Nancy Learmonth

Location: 692 Palmer Ct.
Assessor's Parcel Number: 128-310-05
Parcel Size: 4,356 sq. ft.

Parcel Size: 4,356 sq. ii.
 Master Plan Category: Urban Residential (UR)
 Regulatory Zone: Low Density Urban (LDU)

Area Plan: Tahoe

Citizen Advisory Board: Incline Village/Crystal Bay

Development Code: Authorized in Article 804 (Variances)

Commission District: 1 - Commissioner Berkbigler
 Staff: Julee Olander, Planner

Washoe County Community Services Department

Planning and Building Division

Phone: 775-328-3627

E-mail: jolander@washoecounty.us

Comments: IVGID is informing the owner the following would be required before approving the Washoe County Building Permits for these garages:

- a. Relocation of existing Fire Hydrant to IVGID and NLTFD regulations/specifications
- b. Relocation of existing water meters, utility and services lines.
- c. Relocation of existing sewer services utility lines.
- d. All work is borne to owner.
- e. All work would require approved Plans wet stamped by a Nevada Licensed Engineer.
- f. All work must conform to all IVGID specifications and Nevada State law.



#### **Department of Conservation & Natural Resources**

Steve Sisolak, Governor Bradley Crowell, *Director* Charles C. Donohue, *Administrator* 

January 23, 2019

Julee Olander, Planner Washoe County Community Services Department Planning and building Division 1001 East 9<sup>th</sup> Street Reno, NV 89512

Re: Variance Request –Case Number WPVAR19-0001 Greenview HOA Garages, APN 128-310-05

Dear Ms. Olander;

I am writing to provide comments on the above referenced application that is to be heard before the Washoe County Planning and Building Division, Community Services Department tentatively scheduled for March 07, 2019. This application requests a variance to the Washoe County setback standards to construct two garages; one 2-car and one 1-car. The State of Nevada owns one Tahoe Bond Act parcel (APN 128-243-01) directly adjacent to the above referenced parcel. The Nevada Division of State Lands (NDSL) staff has identified potential issues associated with the proposed development that should be considered as part of the County's review.

The State of Nevada manages almost 500 parcels in the Lake Tahoe Basin acquired through the Tahoe Bond Act of 1986. These public lands are designated as conservation areas and are maintained in their natural state as open space in perpetuity. The management direction of these parcels in the Tahoe Basin contains specific goals and measures of success. These include:

- Protect the State's investment and real value of open space parcels by reducing stocking levels of trees and brush-fields to resemble the pre-Comstock era. This will improve the overall health of the residual vegetation by providing nutrient & moisture availability.
- Use forest product/litter as an erosion control method and for nutrient cycling by leaving larger cut trees on the landscape contour to slow water run-off.
- Retain various snag classes and living wildlife trees where they can be safely considered. This is based on proximity to buildings, streets and power lines.
- Enhance and maintain a natural variable seed and forage source for wildlife.
- Re-introduce fire as a tool to maintain the desired conditions on a long-term, cost-effective basis.
- Provide an example of effective ecosystem resource management and fuels reduction that can be followed by the local community.

State Land Office • State Land Use Planning Agency • Nevada Tahoe Resource Program • Q1 Conservation Bond Program 901 S. Stewart Street, Suite 5003 • Carson City, Nevada 89701 • p: 775.684.2720 • f: 775.684.2721 • lands.nv.gov

These objectives and measures of success can only be achieved with cooperation from the local community and support from other government agencies. Encroachments such as heavy equipment activity, storage of building materials, and excessive foot traffic, that can be associated with variance approvals, can be detrimental to state-owned property, thus quickly reversing many years of management.

NDSL staff has identified one area of concern on the site plans that were included for our review and comment from Greenview HOA. The item of concern involves the request for a northwest property line setback from 5 feet to 1 foot in order to accommodate the construction of a 2-car garage. Construction access and disturbance on the State of Nevada parcels cannot be authorized. This includes any access for foundation excavation, general construction access, or vehicle parking at the site.

Research conducted by NDSL staff has revealed that since 2006 a number of previously granted Washoe County variance requests have caused considerable damage to state owned parcels resulting in numerous hours of NDSL staff time and resources to rectify. The most egregious of these cases occurred when a variance was granted to a homeowner on Lakeview and Tuscarora Avenues in Crystal Bay. The variance allowed for a side yard setback of only 2.0 feet adjacent to a state owned parcel. NDSL staff discovered that an access road had been excavated onto the NDSL parcel by the contractor and an attempt was made to hide the disturbance. Countless hours were spent restoring this parcel involving the homeowner and the Tahoe Regional Planning Agency. This site is still in recovery from this level of disturbance. Another set-back variance case that was granted by Washoe County for a garage and living quarters on Fairway Park Drive resulted in continued encroachment by renters of personal jet-skis, trailers, and other items requiring numerous staff hours of follow-up investigation, response, and encroachment violation actions. From our experience, variance set-backs can result in perpetual encroachment issues which are never fully resolved due to the transient nature of the residential population at Lake Tahoe.

The effects of encroachments can be long lasting with some taking decades to reverse. NDSL looks to other governmental agencies to recognize our long term management goals for our urban holdings. We realize that not all granted variances pose a problem for NDSL. But as we have experienced, there are cases where many hours and dollars have been expended correcting a negative impact to State of Nevada properties due to construction variances. NDSL has historically taken a firm stance against the granting of any variances by Washoe County that may affect our sensitive lands in the Tahoe basin. Please consider these comments during the variance granting process.

Should you have any further questions regarding this variance and our comments, please contact me at 775-684-2735 or via email at sbarker@lands.nv.gov

Sincerely,

Sherri Barker State Land Agent II

Nevada Tahoe Resource Team

From: To: Olander, Julee

Charlie Donohue; Jeff Haas; Deann M. McKay FW: January Agency Review Memo II Cc: Subject: Friday, February 08, 2019 10:38:49 AM Date:

Attachments:

image002.png image003.png image004.png image005.png image012.png

image015.pnq January Agency Review Memo II.PDF Variance WPVAR19-0001 HOA Garages.pdf

Hello Julie,

This email is in response to your telephone call to me today, in which you requested clarification of our comments. Page two, paragraph two of the attached letter states "Construction access and disturbance on the State of Nevada parcels cannot be authorized". To clarify per your request, The Nevada Division of State Lands is opposed to the variance (Case Number WPVAR19-0001 Greenview HOA Garages) and is not in favor of supporting the 1 foot setback.

If you have any questions or concerns, please feel free to contact me directly.

Thank you for your time,

#### Sherri Barker

Land Agent II Nevada Tahoe Resource Team 901 S. Stewart Street, Suite 5003 Carson City, NV 89701 sbarker@lands.nv.gov (O) 775-684-2735 | (F) 775-684-2721

From: Sherri Barker

Sent: Wednesday, January 23, 2019 3:49 PM

To: 'jolander@washoecounty.us' <jolander@washoecounty.us>

Cc: Charlie Donohue <cdonohue@lands.nv.gov>; Jeff Haas <jhaas@lands.nv.gov>

Subject: FW: January Agency Review Memo II

Hello Julee,

Please find attached Variance WPVAR19-0001 HOA Garages for the Nevada Division of State Lands comments for Item #2 of the January Agency Review Memo II.

Please let me know if you any questions.

Have a great day,

#### Sherri Barker

Land Agent II Nevada Tahoe Resource Team 901 S. Stewart Street, Suite 5003 Carson City, NV 89701 sbarker@lands.nv.gov (O) 775-684-2735 | (F) 775-684-2721

From: Fagan, Donna < DFagan@washoecounty.us> Sent: Tuesday, January 22, 2019 4:36 PM To: Charlie Donohue < cdonohue@lands.nv.gov>

Subject: January Agency Review Memo II

Charlie,

Please find the attached Agency Review Memo with a case received this month by CSD, Planning and Building.

You've been asked to review item #2. Click on the highlighted case descriptions for a link to the application.

If you would like a paper copy sent to you, please let me know.

Please send any comments or conditions to the planner for that item.

Thank you, Donna



Donna Fagan
Planning and Building Division| Community Services Department
dfagan@washoecounty.us | Office: 775.328.3616

1001 E. 9<sup>th</sup> Street, Reno, NV 89521



STATE OF NEVADA



#### **Department of Conservation & Natural Resources**

Steve Sisolak, Governor
Bradley Crowell, *Director*Charles C. Donohue, *Administrator* 

11 February 2019

Julee Olander, Planner Washoe County Community Services Department Planning and building Division 1001 East 9<sup>th</sup> Street Reno, NV 89512

Re: Variance Request –Case Number WPVAR19-0001 Greenview HOA Garages, APN 128-310-05

Dear Ms. Olander:

This letter is in response to your questions in your phone query on Friday, February 8, 2019 for additional information on the State of Nevada position opposing the set-back variance for the above referenced case.

The State of Nevada manages almost 500 parcels in the Lake Tahoe Basin acquired through the Tahoe Bond Act of 1986. These public lands are designated as conservation areas and are maintained in their natural state as open space in perpetuity for the benefit of Lake Tahoe and local residents.

APN 128-243-01 was acquired by the State of Nevada in 1989 at a cost of \$140,000. At the time of acquisition, the property had numerous clean up and encroachment issues including boat storage, vehicle parking, social trails, yard maintenance equipment, construction debris, and in the winter, snow storage from adjacent properties. Considerable time and expense was incurred by the State of Nevada to restore the property to achieve management goals of the Tahoe Bond Act. Since then, other problems have occurred that required action such as firewood storage and construction equipment using the property for access to the adjacent property.

In addition, the Nevada Division of State Lands over time since acquisition entered the property on multiple occasions to conduct vegetation management to reduce fuel loads and remove tree mortality.

Historically, reduction of set-backs have resulted in negative consequences to the State of Nevada properties. Key elements of our concern for this case are:

- A history of encroachments by the neighborhood community.
- Soils that are moist for a greater portion of the year and human impacts to the site.
- Excavation close to the property line and impacts to the root systems of vegetation on the state parcel.

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- Human impacts from construction workers using the state parcel for access and general work requirements.
- Equipment impacts to the state parcel from construction activity.
- Long term degradation of slope and soils due to water and snow runoff from hard coverage 12 inches from the property line.
- Use of State Land to access the rear of the structure and property by current and future owners.

Our objectives and measures of success can only be achieved with cooperation from the local community and support from other government agencies. The State of Nevada has expended funds and time over the last 30 years to restore this Tahoe Bond Act parcel to its present condition. Encroachments such as heavy equipment activity, storage of building materials, and excessive foot traffic are detrimental to state-owned property and will reverse many years of restorative management. Once built, the impacts to State Lands become irreversible and contradict objectives of the Tahoe Bond Act and purposes of the overall program.

NDSL looks to other governmental agencies to recognize our long term management goals for ecosystem health and water quality at Lake Tahoe. Please consider these comments during the variance granting process.

Should you have any further questions regarding this variance and our comments, please contact me at 775-684-2735 or via email at sbarker@lands.nv.gov

Sincerely,

Sherri Barker

State Land Agent II

Nevada Tahoe Resource Team

From: Mark Regan Olander, Julee To:

Subject: RE: WVAR19-0001 Greenview garages Date: Tuesday, January 29, 2019 10:59:59 AM

Attachments: image011.png

image012.png image013.png image014.png image015.png

#### Thank you

NLTFPD has no issues with approval of WVAR19-0001 Greenview garages is owner relocates the fire hydrant by the proposed garage(2).



#### Mark Regan Fire Marshal

office: 775.831.0351 x8107 | cell: 775.461.6200

Email: mregan@nltfpd.net

866 Oriole Way | Incline Village | NV 89451









From: Olander, Julee <JOlander@washoecounty.us>

Sent: Tuesday, January 29, 2019 10:42 AM To: Mark Regan < MRegan@nltfpd.net> Subject: WVAR19-0001 Greenview garages

#### Mark,

I have attached the application – let me know if you have questions.



#### Julee Olander

Planner | Community Services Department- Planning & Building Division jolander@washoecounty.us| Office: 775.328.3627 | Fax: 775.328.6133 1001 E. Ninth St., Bldg A., Reno, NV 89512







Connect with us: cMail | Twitter | Facebook | www.washoecounty.us

From: Holly, Dan
To: Olander, Julee

Subject: Variance Case Number WPVAR19-0001 (Greenview HOA Garages)

**Date:** Wednesday, January 23, 2019 12:27:10 PM

Attachments: image001.png

image002.png image003.png image004.png image005.png

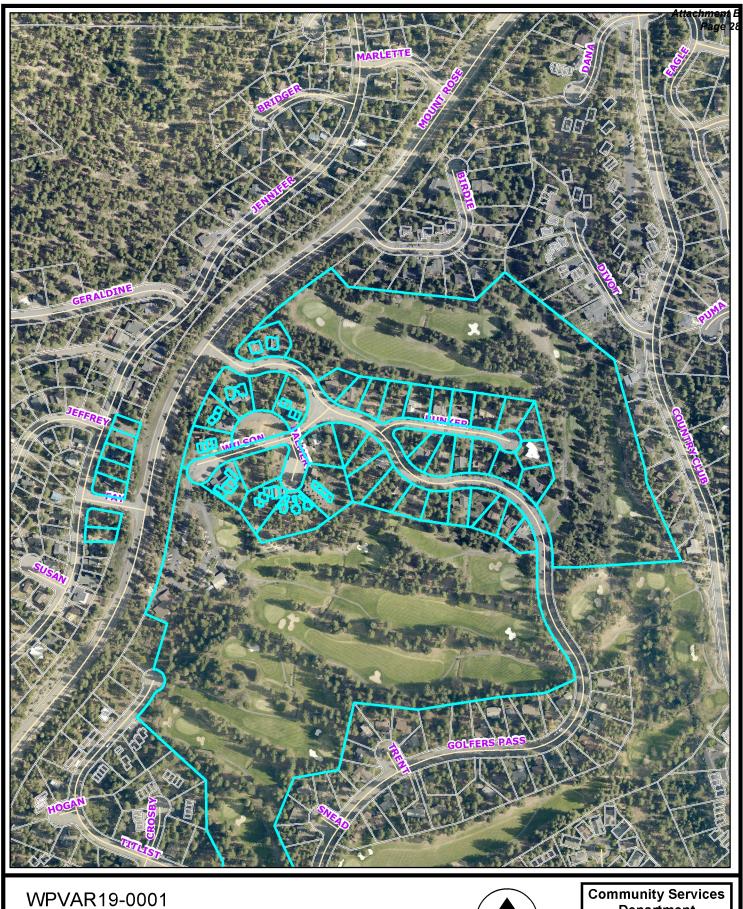
Julee: I have reviewed this on behalf of building and have only one concern. All structures located within 5 feet of the property line are required to have 1 hour fire protection. This will need to be incorporated into the design at the time of permit application. Thank You,



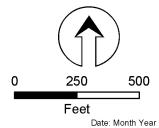
#### **Dan Holly**

Plans Examiner Supervisor, Planning and Building Division | Community Services Department

dholly@washoecounty.us | Office: (775) 328-2027 1001 E. Ninth St., Bldg. A, Reno, NV 89512



WPVAR19-0001 500 Feet Notice Map





From: DJ

To: Tom Cardinale; Eick, Gerry; Lyons, Kevin; Miller, Judith; Sullivan, Mike; Pete Todoroff
Cc: Kristina Hill; Olander, Julee; Rick, Hutchins@novoco.com; cjohnso7@san.rr.com; Diane Smith

Subject: OPPOSE Application Case # WPVAR19-001 (Greenview HOA)

**Date:** Wednesday, January 30, 2019 3:11:24 PM

All,

With less than one weeks notice regarding your February 4 hearing, the neighbors still opposing this variance in the above case, are now informed that our neighbors at 692 Palmer Court are once again applying for the same variance to build a garage directly in front of our home at 687 Palmer Court, #1.

While this second application has been reduced from a two car garage to a one car garage, ALL the reasons for denying this application are exactly the same as was the case when it was not recommended by your Advisory Board and was then rejected at a later hearing of the Board of Adjustment in Reno in August of 2017.

As before, we want to make it very clear that we support garages to be located on the side of the cul-de-sac facing away from our homes. This location would work better for traffic, and have no visual or physical impact on other property owners. But that is simply not what this variance is about!!

The reasoning for the previous denial was very clear. All Greenview home owners have known since 1978 that their homes came without garages. They therefore have no special right or privilege to now ask for this variance. In addition, the homes in our HOA were planned and constructed with the knowledge that no garage would be in the location proposed by this variance. Stuffing a garage into this narrow space was never contemplated over these 40 years!!

We strongly recommend that you again NOT support this application because:

- 1. The proposed new garage will still be directly in front of our home, negatively impacting our view from three windows in our home-our double kitchen window and double mud room window downstairs and two windows in our master suite upstairs. Looking from the street, the new garage would block a view of the Lake and create a "wall" of development across our front yard, the reason several of our neighbors objected to the original application. I am sending you all by separate email a photograph of the narrow space between our garage and the end unit of Greenview. We must assume that the garage would be wider and taller than the boat pictured in the space proposed in the variance. There is simply no question this garage would negatively impact the value of our home.
- 2. The proposed structure would still be of necessity too close to the other buildings pictured posing a fire hazard for both adjacent properties.
- 3. Like the previous application, the documents filed include absolutely no dimensions regarding the structure to be constructed. If approved in this form, it appears that the width, height, and length of this building will be totally determined by the applicant. Since the previous application was for a two car garage, we can assume this could be a very large "one car" garage once the variance is granted!!

Finally, this application contains the same misleading factual errors as the previously denied application as follows:

Section #3. "No resident view would be impacted". As can be clearly seen in the attached photo, this location would totally block the views in both directions to and from our home, and create a an unattractive "wall" across the back of the cul-de-sac, blocking a view of the Lake.

This negative visual outcome is opposed not only by all members of our "Cottages on the Green" HOA, but neighbors who opposed and attended the hearing in Reno who would lose their view to the Lake from across Wilson Way!

Section #3 "Snow removal will be dramatically improved". This statement is simply not true, as the area covered by the variance is never plowed as a part of the public street and would have the same plowing operation as before

with or without the garage. And the one car space involved, is never randomly parked as there is only a straight in position for parking!

Section # 4. No home owners in or across from the variance site would agree that this will "improve" the appearance of the area. It will crowd in a structure never intended to be there, in what is now an attractive, well planned area.

Comments with photos: "No granting of special privilege". Again, the Board of Adjustment already decided that granting this variance would be a grant of "special privilege" to the applicant. All owners at 692 Palmer Court purchased their homes over the last 40 years without garages, thus granting this variance would demonstrably grant them a special privilege, while hurting the property values of all other neighbors. It is also simply untrue that we only visit our home in the summer and we are not clear what this would have to do with this variance in any case.

Finally, we are simply asking that your Board once again decide to not support this application for a variance. My wife and I are currently out of state on family business, and with this short notice, are not able to attend your hearing.

While I think that our opposition is thoroughly explained in this communication, please call me at 916-712-8045 or email me at djsmith102047@gmail.com if you have any questions about our views on our retirement home in Incline. We have been Incline property owners for over 30 years and take great pride in current our home in all seasons.

We respectively thank you for your consideration of our views and for your service to our local community at Incline.

Sincerely,
DJ & Diane Smith
687 Palmer Court
Incline Village, Nevada

Sent from my iPhone

#### **Olander, Julee**

From:

DJ <dismith102047@gmail.com>

Sent:

Wednesday, January 30, 2019 3:49 PM

To:

Olander, Julee; Tom Cardinale; Eick, Gerry; Lyons, Kevin; Miller, Judith; Sullivan, Mike;

Pete Todoroff

Cc:

Kristina Hill; Rick.Hutchins@novoco.com; cjohnso7@san.rr.com; Diane Smith

Subject:

Fwd: Photo of Variance Site for Case# WPVAR-0001 (Greenview HOA)

All,

Please see in the attached photo the exact location of the proposed variance that we oppose.

To orient you, the boat pictured is exactly where the new garage discussed in the variance would be located. On the left side of the boat, see our existing garage at 687 Palmer Court, #1. On the right side of the boat see the end unit of 692 Palmer Court in the existing Greenview development of our neighbors proposing the variance. Behind the boat is our home, the three large windows on the ground floor are totally blocked out by the boat, with the upstairs windows looking directly down on the garage.

We must assume that the proposed garage would be both higher than the boat and certainly wider than the boat. We used the boat to demonstrate the negative visual impact, as usually a much smaller auto is parked there allowing views to the Lake from the cul-de-sac and views out to the street and the mountain behind from our home.

Again, if you have any questions regarding our letter email or this photo, please call me at 916-712-8045 or email me at <a href="mailto:djsmith102047@gmail.com">djsmith102047@gmail.com</a>

Thanks again for your consideration of our views as we continue to oppose this same variance that has already been denied.

Sincerely,

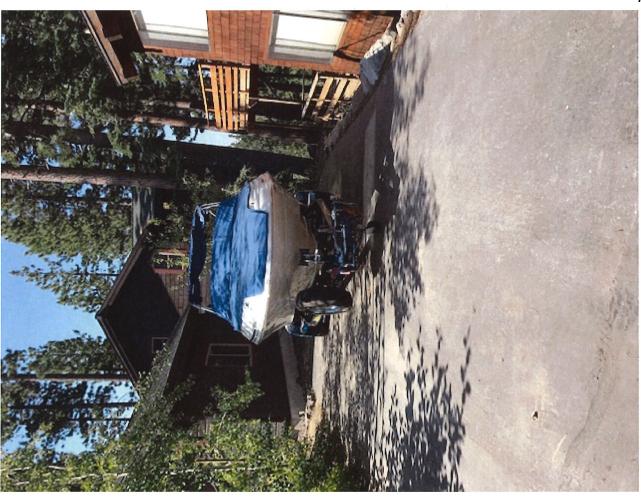
D. J. & Diane Smith 687 Palmer Court Incline Village, Nevada

Sent from my iPhone

Begin forwarded message:

From: Diane Smith <a href="mailto:hagenheightsvineyards@yahoo.com">hagenheightsvineyards@yahoo.com</a>

**Date:** January 30, 2019 at 1:08:36 PM HST **To:** DJ Smith <djsmith102047@gmail.com>



Sent from my iPhone

From: Rick Hutchins

To: DJ; Tom Cardinale; Eick, Gerry; Lyons, Kevin; Miller, Judith; Sullivan, Mike; Todoroff, Pete
Cc: Kristina Hill; Olander, Julee; cjohnso7@san.rr.com; Diane Smith; 8hutch8@gmail.com

Subject: OPPOSE Application Case # WPVAR19-001 (Greenview HOA)

**Date:** Friday, February 01, 2019 1:36:04 PM

#### All:

I wanted to add my opposition to the above noted proposed variance. This was previously discussed in 2017 before the Commission District and County boards and was denied. Almost all of the same arguments are the same. To reiterate the problems with this request:

- 1. Greenview home owners have known since 1978 that their units came without garages; therefore, they have no special right or privilege to now ask for this variance. In addition, the three homes in our HOA were planned and constructed with the knowledge that no garage would be in the location proposed by this variance. Stuffing a garage into this narrow space was never contemplated.
- 2. The proposed new garage will sit directly in front of 687 Palmer Court #1, negatively impacting their view from three windows on their ground floor and likely two windows in their master bedroom upstairs.
- 3. Looking from the street, the proposed garage would block a view of the Lake and create a "wall" of development which several of our neighbors objected to the original application.
- 4. The new garage is proposed to be set back 1.5 feet from the street. Again, this will give the appearance of a wall that you might see in an urban area and not Incline Village. When you consider the proposed one car garage is crammed between the 692 complex and 687 Unit 1's garage, the 5 foot set backs on either side are not enough space to create an inviting appearance.

I am disappointed that we were given less than one week's notice regarding your February 4th hearing. We have used our unit three times in January and cannot make it back on Monday to participate in the hearing on Monday night.

While this second application has been reduced from a two car garage to a one car garage, almost all of the reasons for denying this application are the same as was the case when it was not recommended by your Advisory Board and was then rejected at a later hearing of the Board of Adjustment in Reno in August of 2017.

Like the previous application, the documents filed include absolutely no dimensions regarding the structure to be constructed. If approved in this form, it appears that the width, height, and length of this building will be totally determined by the applicant. Since the previous application was for a two car garage, we can assume this could be a very large "one car" garage once the variance is granted.

As before, we want to make it very clear that we support the proposed garage to be located on the side of the cul-desac (noted as "proposed garage (1)." This location would work better for traffic, and have no visual or physical impact on other property owners. But that is simply not what this variance is about. The reasoning for the previous denial was clear. I strongly recommend that you again NOT support this application.

We respectively thank you for your consideration of our views and for your service to our local community at Incline.

Sincerely, Rick and Charlotte Hutchins 687 Palmer Court #2 Incline Village, NV

Cell (925) 989-2690

From: DJ

To: Olander, Julee; Tom Cardinale; Eick, Gerry; Lyons, Kevin; Miller, Judith; Sullivan, Mike; Pete Todoroff

Cc: Kristina Hill; Rick.Hutchins@novoco.com; cjohnso7@san.rr.com; Diane Smith

Subject: Fwd: Photo of Variance Site for Case# WPVAR-0001 (Greenview HOA)

Date: Wednesday, January 30, 2019 3:49:28 PM

All.

Please see in the attached photo the exact location of the proposed variance that we oppose.

To orient you, the boat pictured is exactly where the new garage discussed in the variance would be located. On the left side of the boat, see our existing garage at 687 Palmer Court, #1. On the right side of the boat see the end unit of 692 Palmer Court in the existing Greenview development of our neighbors proposing the variance. Behind the boat is our home, the three large windows on the ground floor are totally blocked out by the boat, with the upstairs windows looking directly down on the garage.

We must assume that the proposed garage would be both higher than the boat and certainly wider than the boat. We used the boat to demonstrate the negative visual impact, as usually a much smaller auto is parked there allowing views to the Lake from the cul-de-sac and views out to the street and the mountain behind from our home.

Again, if you have any questions regarding our letter email or this photo, please call me at 916-712-8045 or email me at dismith102047@gmail.com

Thanks again for your consideration of our views as we continue to oppose this same variance that has already been denied.

Sincerely,

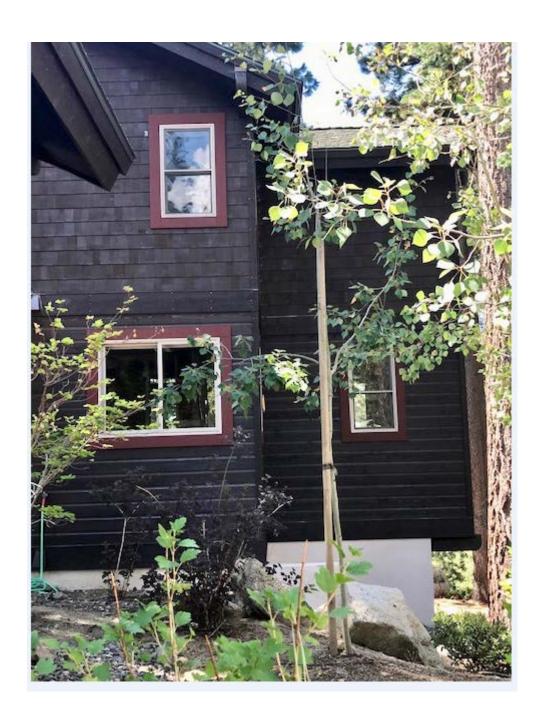
D. J. & Diane Smith 687 Palmer Court Incline Village, Nevada

Sent from my iPhone

Begin forwarded message:

From: Diane Smith < hagenheightsvineyards@yahoo.com >

**Date:** January 30, 2019 at 1:08:36 PM HST **To:** DJ Smith <<u>dismith102047@gmail.com</u>>





# Washoe County Citizen Advisory Boards CAB Member Worksheet

Citizen Advisory Board: Incline Village Crystal Bay

Meeting Date (if applicable): Board of Adjustmen Topic or Project Name (include Case No. if applica Garages	
Washoe County Planner Julee Olander	
Please check the appropriate box:  My comments  were (or) X were not	discussed during the meeting.
Identified issues and concerns: While there is a sense of recognition these four	
have already once brought virtually the same p	
prior time for encroaching on neighbor's parce I do not see anything in the current proposal th	
Tuo not see anything in the current proposal th	at addresses triese practical issues.
Suggested alternatives and/or recommendation	is:
Name Gerry Eick	Date: 2/4/2019
Signature: Signature:	
This worksheet may be used as a tool to help you discussion on this topic/project. Your comments duri record through the minutes and the CAB action me from other CAB members, will and shall not collective **Due to Nevada Open Meeting Law consideration fellow CAB members on items outside of the accase CAB meetings.**	ng the meeting will become part of the public morandum. Your comments, and comments ly constitute a position of the CAB as a whole. ns, please do not communicate with your
If you would like this worksheet forwarded to your C	ommissioner, please include his/her name.
Commissioner's Name:	
Use additional pages, if necessary.	
Please mail, fax or email completed worksheets to:	Washoe County Manager's Office Attention: CAB Program Coordinator

WPVAR19-0001 EXHIBIT F

Post Office Box 11130, Reno, NV 89520-0027

Fax: 775.328.2491

Email: cab@washoecounty.us



# Washoe County Citizen Advisory Boards CAB Member Worksheet

Incline Village Crystal Bay

Citizen Advisory Board:	
Meeting Date (if applicable): February 4, 3  Topic or Project Name (include Case N	o. if applicable): Variance Case # WPVAR19-0001
Washoe County PlannerJulee Olande	r
Please check the appropriate box:	
	were not discussed during the meeting.
,	<u> </u>
Identified issues and concerns:	1 foot and this is on NV Lands property which is a Stream Zone.
Applicant needs to check with NV.Lands and get	
3	
Suggested alternatives and/or recomn	andations:
Suggested alternatives and/or recomm	ieridations.
Applicant needs to check with NV.Lands and get	heir OK.
Name Pete Todoroff	<b>Date:</b> 01/28/2019
(Please Pr	int)
Signature: Pete Todoroff	
	to help you take notes during the public testimony and
	nments during the meeting will become part of the public action memorandum. Your comments, and comments
•	ot collectively constitute a position of the CAB as a whole.
	onsiderations, please do not communicate with your
CAB meetings.**	e of the agendized discussions held at your regular
•	d to your Commissioner, please include his/her name.
Commissioner's Name: Marsha Berkbigler	
Use additional pages, if necessary.	
. •	sheets to: Washoe County Manager's Office

WPVAR19-0001 EXHIBIT F

Attention: CAB Program Coordinator

Email: cab@washoecounty.us

Fax: 775.328.2491

Post Office Box 11130, Reno, NV 89520-0027

From: Todoroff, Pete

Sent: Monday, February 25, 2019 4:04 PM

**To:** Olander, Julee **Cc:** Todoroff, Pete

**Subject:** Codes Addressing the Garages

#### Hello Julie:

I am sending you a Copy of the Codes for the Greenview HOA Garages located at 692 Palmer Ct. Incline Village 89451 that you might of overlooked. These Codes are Washoe County and TRPA Codes. Pete Todoroff Chairman of the IV/CB CAB.

Variance WPVAR19-0001 Greenview HOA Garages

Parking Required: Table 110.410.10.1 Chapter 410 Parking and Loading Section 110.410.10

Duplex \* 2 per dwelling unit , 1 of which must be in an enclosed garage. \* should apply for a Four- plex .

So the applicant by applying for three of the units to have one covered parking where is the additional second parking space with the proposed plan? One unit does not have one covered space and it is not clear that they would even have one clear space, that would not be impacted by snow coming from the new roof systems.

So this plan for covered parking makes the parking worse than what is there now.

Purpose Section 110.410.00: The purpose of this article, Article 4210, Parking and Loading, is to regulate parking and loading in order to lessen traffic congestion and

Contribute to public safety by providing sufficient on-site areas for the maneuvering and parking of motor vehicles that are attracted to and generated by land use within the County.

In the variance process one cannot impact neighbors in a negative way to solve a problem. ie: : neighbor at 128-307-04 and also neighbor at 128-243-01 ( Nevada State Lands). Nevada State Lands parcel has what appears to be SEZ vegetation where the snow will fall from the two car garage onto their parcel. Not allowed.

So the variance will result in negative impacts on neighbors and make the parking and snow removal more of a problem . There will a loss of parking likely

for one owner and more guest parking forced onto Palmer Court in the summer and winter.

Section 110.804.25 Variance Washoe County Code.

(b) No Detriment The relief will not create a substantial detriment to the public good,

Substantially impair natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted: So <u>pubic good</u>: It will impact the one neighbor with the single garage blocking his view and will shed show right up next to his existing garage. The plan will force onto the road parking of guests and other vehicles off the site onto the right of way of Palmer Court.

<u>Natural resources</u>: The roof of the large garage will shed snow onto the Nevada State Lands parcel and into a SEZ area and may damage important vegetation.

Impair the intent and purpose of the Development Code By the granting of the variance

It will lessen the available parking for one unit and increase the lack of safe private and public parking on site. This is in direct conflict of the intent of code to provide safe on site parking for owners and guests for the current residences

So a FINDING OF NO DETRIMENT CAN BE MADE. DENIAL OF THE VARIANCE SHOULD BE MADE.

# **Washoe County Development Application**

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information	Staff Assigned Case No.:			
Project Name:	REEN View	HOA GAR ac	ges	
Project Description: Construct	GARASES	on Common AR	Ea	
Project Address:		-		
Project Area (acres or square fe	et): 900 s <sub>e</sub>	Fr. of common	AREA	
Project Location (with point of re	eference to major cross	streets AND area locator):		
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:	
12831001 thru				
128310 05				
Section(s)/Township/Range:				
Indicate any previous Washo Case No.(s).	e County approval	s associated with this applicat	ion:	
Applicant Info	ormation (attach	additional sheets if necess	ary)	
Property Owner:		Professional Consultant:		
Name: John A. 4	H2Af	Name:		
Address: 692 PAlms	ir Ct 华之	Address:		
Incline Village NV	Zip: <b>89451</b>		Zip:	
Phone: \$30 318 3139Fax:		Phone: Fax:		
Email: Oh INSa @ gn	ngil. 20 m	Email:		
Cell:	Other:	Cell:	Other:	
Contact Person: このセル	A. Hash	Contact Person:		
Applicant/Developer:		Other Persons to be Contacte	ed:	
Name:		Name:		
Address:		Address:		
	Zip:		Zip:	
Phone:	Fax:	Phone:	Fax:	
Email:		Email:		
Cell:	Other:	Celi:	Other:	
Contact Person:		Contact Person:	* :	
	For Office	Use Only	## T	
Date Received:	Initial:	Planning Area:	1	
County Commission District:		Master Plan Designation(s):		
CAB(s):		Regulatory Zoning(s):		

#### 692 Palmer Ct Owners

Ross Malinowski 692 Palmer Ct #1 Incline Village Nv 89451

John & Doreen Maria Hash 692 Palmer Ct #2 Incline Village Nv 89451

Tao Fung 692 Palmer Ct #3 Incline Village Nv 89451

George & Nancy Learmonth 692 Palmer Ct #4 Incline Village Nv 89451

## 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?

We are requesting a 1 ft front and side property line set back variance, to construct garages on common area owned by the Greenview Homeowners Association. The common are is currently used for parking by the 4 homeowners.

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?

We are a 4 unit building, which was constructed in 1978 and was the first development on the cul d sac. For whatever reason, no garages were constructed at that time. Our blacktop parking area is restricted to the common area that meets the property line. The rest of the property borders a Nevada Conservancy lot to the right, the Mountain Golf course to the rear, and a one of the Planned Unit Developments to the left. The rest of the lot is extremely steep The only place to build the garages is on the front common area that we use as parking.

This is what necessitates the request for variance from the property line.

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?

Palmer Ct is a cul d sac. There are 2 other developments on the cul d sac, one is a 4 unit condo with garages, and the other is a 3 unit PUD, planned unit development, also with garages.

Both of these developments have their garages facing the cul d sac, with the residential units facing to the side and behind.

Please see attached picture.

No resident view will be impacted. No residents privacy will be impacted. Traffic safety will improve by reducing the number of vehicles parked on the street.

Snow removal will be drastically improved by allowing the drivers to work with fixed structures, rather than mounds of snow covered cars parked randomly.

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.)?

This variance will greatly improve the appearance of the cul d sac by having cars enclosed in attractive garages. It will also improve trash collection.

5.	What enjoyment or use of your property would you be denied that is common to other properties in your neighborhood?
	Current winters seem to be getting worse, especially last year. With garages, we would be able to protect our vehicles from the elements, by allowing residents to park their vehicles in a safe protected garage.
	Both of the 2 other properties in the cul d sac, which were constructed after ours, have garages.
6.	Are there any restrictive covenants, recorded conditions or deed restrictions (CC&Rs) that apply to the area subject to the variance request?
	☐ Yes IV No If yes, please attach a copy.
7.	What is your type of water service provided?
	Incline Village Greneral Improvement District
8.	What is your type of sewer service provided?
	Incline Village General Improvement District

1

Applicant Name: Ross Malinowski / Malinowski Family Trust
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 )
Ross Malinowski
(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 Building.
(A separate Affidavit must be provided by each property owner named in the title report.)
Assessor Parcel Number(s): 128-310-01
Signed Foss MACHOUSE   Signed Foss MACHOUSE   Address 18500 Aquino Way SARATOUN CA 950 TE
Subscribed and sworn to before me this  Subscribed and sworn to before me this  (Notary Stamp)
lotary Public in and for said county and state  See Atta Chment  Ity commission expires: ARY. 24,2021
y commodicin expires. Fig. 1. C. II E D. Z.
Owner refers to the following: (Please mark appropriate box.)  Owner
<ul> <li>Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)</li> </ul>
☐ Power of Attorney (Provide copy of Power of Attorney.)
<ul> <li>Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)</li> </ul>
<ul> <li>Property Agent (Provide copy of record document indicating authority to sign.)</li> </ul>
☐ Letter from Government Agency with Stewardship

A notary public or other officer completing this certificate verifie document to which this certificate is attached, and not the truth	s only the identity of the individual who signed the fulness, accuracy, or validity of that document.
State of California  County of Santa Clara	s.s.
Subscribed and sworn to (or affirmed) before me o	n this day of
20 18, by Ross Evan Malings	vs Viand
Name of the Par	, proved to me on the basis of
satisfactory evidence to be the person(s) who appe	ared before me.
King Najaamian, Aaka Dlublic	NIMA NOJOOMIAN COMM. #2194174 Notary Public - Galifornia Senta Clara County My Comm. Expires Apr. 27, 2021
wing Najaomian, Natang Phblic The construction of the Control of t	COMM. #2194174 Notary Public - California Senta Clara County My Comm. Expires Apr. 27, 2021
OPTIONAL INFORM  Sufficerity for a distribution or trust are there is not a range for any or	COMM. #2194174 Notary Public - California Santa Clare County My Comm. Expires Apr. 27, 2021  Sea  ATION  Authority Public - California Santa Clare County My Comm. Expires Apr. 27, 2021  Sea  ATION  Authority Public - California Santa Clare County My Comm. Expires Apr. 27, 2021
OPTIONAL INFORMA  Authority has estimated in this are two is not enjoying they are to get  this years to an impathorized becoment and may make useful to per-	COMM. #2194174 Notary Public - California Senta Clara County My Comm. Expires Apr. 27, 2021
OPTIONAL INFORMATION OF Attached Document	Sea  ATION  Additional Information
OPTIONAL INFORMATION OF Attached Document  The certificate is attached to a document titled/for the purpose of	Additional Information  Method of Affiant Identification  Proved to me on the basis of satisfactory evidence:  form(s) of identification  COMM. #2194174  Notary Public - California Senta Clare County My Comm. Expires Apr. 27, 2021  Senta Clare County My Comm. Expires Apr. 27, 2021  Senta Clare County My Comm. Expires Apr. 27, 2021
OPTIONAL INFORMATION of the adjustment of this are been a not on pure 1 by any of this has a fact to an adjustment and the are adjusted as a second and the area as a secon	Additional Information  Method of Affiant Identification  Proved to me on the basis of satisfactory evidence:  of form(s) of identification  COMM. #2194174  Notary Public - California Senta Clara County My Comm. Expires Apr. 27, 2021  Sea  ATION  Additional Information  Method of Affiant Identification  Proved to me on the basis of satisfactory evidence:  of form(s) of identification of credible witness(es)  Notarial event is detailed in notary journal on:  Page # 11 Entry # 5  Notary contact: (498) 402-1195  Other
OPTIONAL INFORMATION OF Attached Document  The certificate is attached to a document titled/for the purpose of  #### To Berty a war of part of the purpose of	Additional Information  Method of Affiant Identification  Proved to me on the basis of satisfactory evidence:  of form(s) of identification  COMM. #2194174  Notary Public - Califonia Senta Clear County My Comm. Expires Apr. 27, 2021  Additional Information  Method of Affiant Identification  Proved to me on the basis of satisfactory evidence:  of form(s) of identification or credible witness(es)  Notarial event is detailed in notary journal on:  Page # 11 Entry # 5  Notary contact: (408) 402-1115

Applicant Name: Sken/ed HOH- John A. HASh
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.
COUNTY OF WASHOE  (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 Building.
(A separate Affidavit must be provided by each property owner named in the title report.)
Assessor Parcel Number(s): 128 310 02  Printed Name Signed A-HASA  Address 692 Palminct 1
Subscribed and sworn to before me thisday of, (Notary Stamp)  SEE ATTACHMENT  Notary Public in and for said county and state  My commission expires: 101 22   2020
*Owner refers to the following: (Please mark appropriate box.)  Owner  Corporate Officer/Partner (Provide copy of record 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

CALIFORNIA JURA	T WITH AFFIANT STAT	FEMENT GOVERNMENT CODE § 8	8202
	ment (Notary to cross out ow (Lines 1–6 to be compl	t lines 1–6 below) leted only by document signer[s], <i>not</i> Notary)	201/4021
2			
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5 <b>-</b>			
Ā			
Signature of D	ocument Signer No. 1	Signature of Document Signer No. 2 (if any	')
A notary public or othe document to which this	er officer completing this certificate is attached, and no	ificate verifies only the identity of the individual who signed to the truthfulness, accuracy, or validity of that document.	he
State of California		Subscribed and sworn to (or affirmed) before	me
County of SA~ FRE	ANC IS CO	on this day ofDECEMBER, 20_1	الا ب
		by Date Month Y	'ear
SHANE LOU	IS ARONSON S	(1) JOHN A. HASH	
COMM. # NOTARY PUBLIC SAN ERANG	2169026 G-CALIFORNIA M	(and (2)	),
MY COMM. EXP.	OCT. 22, 2020	Name(s) of Signer(s)	
		proved to me on the basis of satisfactory evide to be the person(s) who appeared before	
		Signature Signature of Notary Public	
Place No	Seal otary Seal Above		
		OPTIONAL TO THE TOTAL THE TOTAL TO THE TOTAL THE TOTAL TO THE TOTAL TH	or
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fra Description of Attach	is optional, completing th udulent reattachment of the ned Document	this form to an unintended document.	
fra  Description of Attach  Fitle or Type of Docur	is optional, completing the udulent reattachment of the ned Document ment:	his information can deter alteration of the document of this form to an unintended document.  Document Date: Named Above:	

Applicant Name:
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 )
1 Tao Luca
(p)gage quiet game's
application as listed below and 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 Building.
(A separate Affidavit must be provided by each property owner named in the title report.)
Assessor Parcel Number(s): 128-310-03
Printed Name TAO FUNG 12 (06/20)
Signed
Address 692 PALMER Ct. 43
- Seを ATTACHをN
Subscribed and sworn to before me this [NCLINE VILLAGE, NV 8745]
day of (Notary Stamp)
Notary Public in and for said county and state
My commission expires:
*Owner refers to the following: (Please mark appropriate box.)  Owner
Corporate Officer/Pariner (Provide coay of record)
<ul> <li>Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)</li> <li>Power of Attorney (Provide copy of Power of Attorney.)</li> </ul>
Owner Agent (Provide notarized latter forms
Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)  Property Agent (Provide conv. of property decomposition in the property Agent (Provide conv. of property Agent)
Property Agent (Provide copy of record document indicating authority to sign.)      Letter from Government Agency with Stewardship
AASTERNAL ARTER AR

## **ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual

who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
State of California County of
On 12/06/20188 before me, Dan Schull (Notary Public) (Insert name and title of the officer)
(insert name and title of the officer)
personally appeared Tao Fung who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.  DAN SCHULL Commission # 2143585 Notary Public - California Azameda County My Comm. Expires Feb 21, 2020
Signature DESCE (Seal)

Applicant Name: <u>Searge M. Learmonth</u>
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 )
1, George M. Learnand (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 Building.
(A separate Affidavit must be provided by each property owner named in the title report.)
Assessor Parcel Number(s): /28 310 04
Signed Signed M. Cearmont C  Address 193 Biver Wilde Dr.
Subscribed and sworn to before me this  39 day of Navember, 2013. (Notary Stamp)
Netary Public in and for said county and state  My commission expires: 4/11/2 (  SALVADOR VELA III  NOTARY PUBLIC  STATE OF TEXAS  MY COMM. EXP. 04/11/2021  NOTARY ID 12938748-4
*Owner refers to the following: (Please mark appropriate box.)  Owner  Corporate Officer/Partner (Provide copy of record 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

# **Washoe County Development Application**

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information	s	taff Assigned Case No.:			
Project Name:					
Project Description:					
Project Address:					
Project Area (acres or square fee	et):				
Project Location (with point of re	ference to major cross	streets AND area locator):			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:		
	***				
Section(s)/Township/Range:					
Indicate any previous Washo Case No.(s).	e County approval	s associated with this applicat	ion:		
Applicant Info	<b>ormation</b> (attach	h additional sheets if necessary)			
Property Owner:		Professional Consultant:			
Name:		Name:			
Address:		Address:			
	Zip:		Zip:		
Phone:	Fax:	Phone:	Fax:		
Email:		Email:			
Cell:	Other:	Cell:	Other:		
Contact Person:		Contact Person:			
Applicant/Developer:		Other Persons to be Contacted:			
Name: A A A A A A A A A A A A A A A A A A A		Name:			
Address:		Address:			
\$1.50 \$300 - 200	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):			

(775) 328-2510 (775) 328-2500

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 12831001 Active 12/11/2018 2:06:37 AΜ **Current Owner:** SITUS: MALINOWSKI FAMILY LIVING TRUST 692 PALMER CT 19500 AQUINO WAY **INCL NV** SARATOGA, CA 95070 **Taxing District** Geo CD: 5200 Legal Description Township 16 Section 10 Lot 1 Block Range 18 SubdivisionName GREENVIEW

Install	ments	0.00				androi della della
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/20/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/1/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/7/2019	2018	\$1,065.15	\$0.00	\$0.00	\$1,065.15
INST 4	3/4/2019	2018	\$1,065.15	\$0.00	\$0.00	\$1,065.15
		Fotal Due:	\$2,130.30	\$0.00	\$0.00	\$2,130.30

Tax Detail			
	Gross Tax	Credit	Net Tax
Incline Recreati	\$830.00	\$0.00	\$830.00
<u>Incline Village</u>	\$126.77	(\$16.56)	\$110.21
North Lake Tahoe 2	\$651.56	(\$24.14)	\$627.42
State of Nevada	\$176.07	(\$6.52)	\$169.55
<u>Washoe County</u>	\$1,441.39	(\$53.42)	\$1,387.97
Washoe County Sc	\$1,179.15	(\$43.70)	\$1,135.45
LAKE TAHOE WATER BASIN	\$0.13	\$0.00	\$0.13
Total Tax	\$4,405.07	(\$144.34)	\$4,260.73

Payment H	listory			
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2018	2018092722	B18.123534	\$1,065.15	10/4/2018
2018	2018092722	B18.2381	\$1,065.28	7/20/2018

#### 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 <u>click here</u>

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

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

Back to Account Detail

Change of Address

Print this Page

**Washoe County Parcel Information** Parcel ID Last Update Status 12/11/2018 2:06:37 12831002 Active AΜ SITUS: **Current Owner:** HASH, JOHN A & DOREEN M 692 PALMER CT PO BOX 6393 **INCL NV INCLINE VILLAGE, NV 89450** Geo CD: **Taxing District** 5200 Legal Description Township 16 Section Lot 2 Block Range 18 SubdivisionName GREENVIEW

Installr	iidiica	<u> </u>				
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/20/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/1/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/7/2019	2018	\$659.92	\$0.00	\$0.00	\$659.92
INST 4	3/4/2019	2018	\$659.92	\$0.00	\$0.00	\$659.92
	т	otal Due:	\$1,319.84	\$0.00	\$0.00	\$1,319.84

Tax Detail			
	Gross Tax	Credit	Net Tax
▼ <u>Incline Recreati</u>	\$830.00	\$0.00	\$830.00
▼ <u>Incline Village</u>	\$71.41	(\$13.58)	\$57.83
▼ North Lake Tahoe 2	\$367.03	(\$36.01)	\$331.02
▼ <u>State of Nevada</u>	\$99.18	(\$9.73)	\$89.45
▼ <u>Washoe County</u>	\$811.95	(\$79.63)	\$732.32
* Washoe County Sc	\$664.23	(\$65.16)	\$599.07
LAKE TAHOE WATER BASIN	\$0.13	\$0.00	\$0.13
Total Tax	\$2,843.93	(\$204.11)	\$2,639.82

Payment	History	And the graph of the same of t	and the second state of th	Talah dalah 1900 Salah Salah padab Panasa Angara Salah Salah
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2018	2018092693	B18.127875	\$659.92	10/9/2018
2018	2018092693	B18.80211	\$660.06	8/29/2018

#### 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

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

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

(775) 328-2510 (775) 328-2500

Washoe County Treasurer Tammi Davis

Bill Detail

Back to Account Detail Change of Address Print this Page

<b>Washoe County Parcel Information</b>	on	
Parcel ID	Status	Last Update
12831003	Active	12/11/2018 2:06:37 AM
Current Owner: FUNG FAMILY TRUST 7561 DENISON PL CASTRO VALLEY, CA 94552	<b>SITU</b> 692 INCL	PALMER CT
Taxing District 5200	Geo	CD:
	Legal Description	
Township 16 Section Lot 3 Block Rang	e 18 SubdivisionName G	SREENVIEW

Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/20/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/1/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/7/2019	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 4	3/4/2019	2018	\$0.00	\$0.00	\$0.00	\$0.00
		Total Due:	\$0.00	\$0.00	\$0,00	\$0.00

Tax Detail				
	Gross Tax	Credit	Net Tax	
Incline Recreati	\$830.00	\$0.00	\$830.00	
<u>Incline Village</u>	\$74.39	(\$8.39)	\$66.00	
North Lake Tahoe 2	\$382.34	(\$6.61)	\$375.73	
State of Nevada	\$103.32	(\$1.78)	\$101.54	
<u>Washoe County</u>	\$845.82	(\$14.60)	\$831.22	
Washoe County Sc	\$691.92	(\$11.96)	\$679.96	
LAKE TAHOE WATER BASIN	\$0.13	\$0.00	\$0.13	
Total Tax	\$2,927.92	(\$43.34)	\$2,884.58	

2018	2018092706	B18.44687	1	8/16/2018
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
Payment H	istory			

#### 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 <u>click here</u>

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

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

The Washoe County Treasurer's Office makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. If you have any questions, please contact us at (775) 328-2510 or tax@washoecounty.us

(775) 328-2510 (775) 328-2500

**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 12831004 Active 12/11/2018 2:06:37 ΑM **Current Owner:** SITUS: LEARMONTH, GEORGE M & NANCY L 692 PALMER CT 193 RIVER WILDE DR **INCL NV** MONTGOMERY, TX 77316 **Taxing District** Geo CD: 5200 Legal Description Range 18 Section Lot 4 Block Township 16 SubdivisionName GREENVIEW

Install	ments					Property Commencer
Period	Due Date	Tax Year	Тах	Penalty/Fee	Interest	Total Due
INST 1	8/20/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/1/2018	2018	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/7/2019	2018	\$739.00	\$0.00	\$0.00	\$739.00
INST 4	3/4/2019	2018	\$739.00	\$0.00	\$0.00	\$739.00
		Total Due:	\$1,478.00	\$0.00	\$0.00	\$1,478.00

Tax Detail			
	Gross Tax	Credit	Net Tax
Incline Recreati	\$830.00	\$0.00	\$830.00
<u>Incline Village</u>	\$76.59	(\$8.29)	\$68.30
North Lake Tahoe 2	\$393.63	(\$4.81)	\$388.82
State of Nevada	\$106.37	(\$1.30)	\$105.07
Washoe County	\$870.80	(\$10.65)	\$860.15
Washoe County Sc	\$712.36	(\$8.70)	\$703.66
LAKE TAHOE WATER BASIN	\$0.13	\$0.00	\$0.13
Total Tax	\$2,989.88	(\$33.75)	\$2,956.13

Payment	History			
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2018	2018092755	B18.30016	\$739.13	8/9/2018
2018	2018092755	B18.94871	\$739.00	9/19/2018

#### 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).

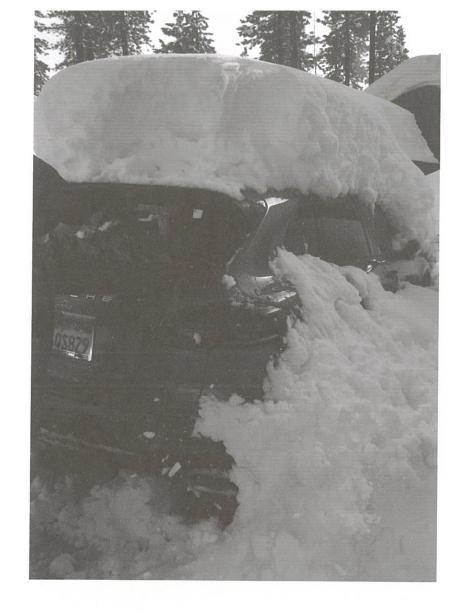
To submit your address change online click here

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

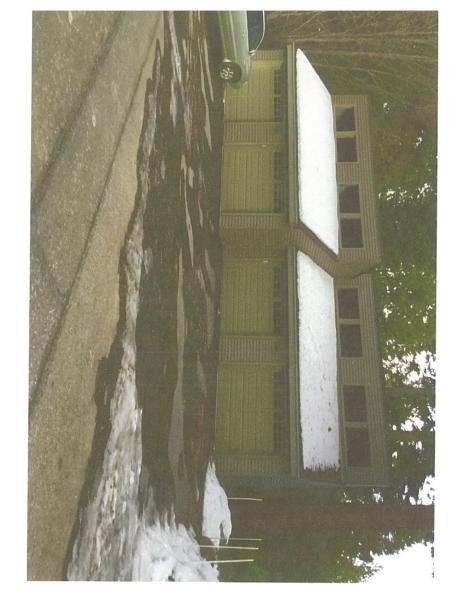
Address change requests may also be mailed to: Washoe County Treasurer P O Box 30039 Reno, NV 89520-3039



Digging out my CAR
Parkel in Common AREA
692 PAlmer Ct.



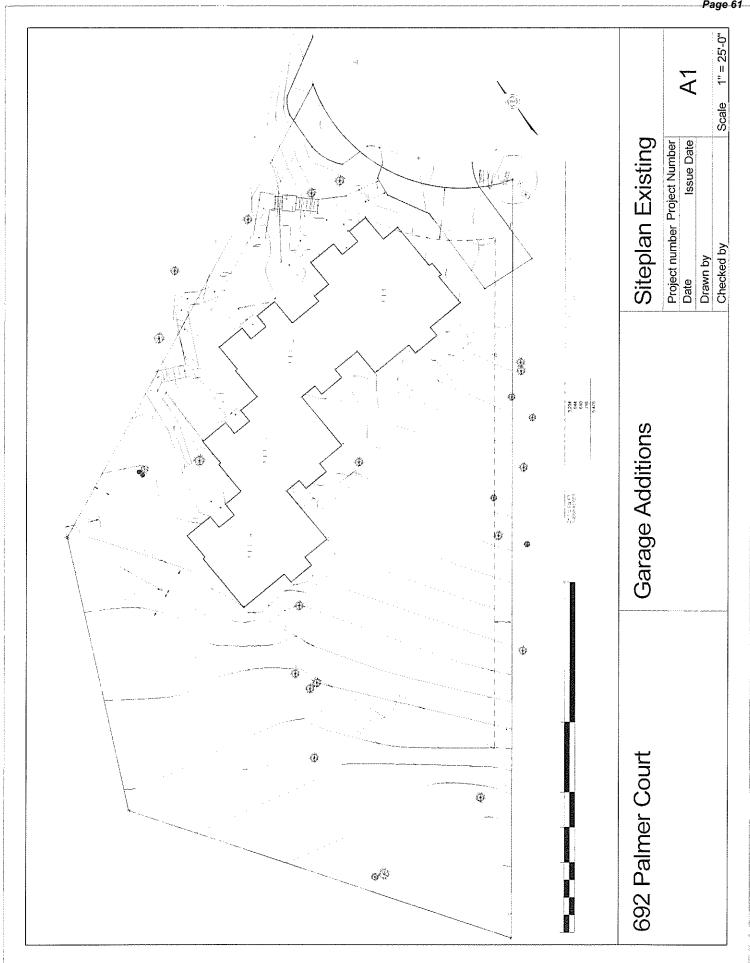
Still Diggins out my CAR
692 PAlmer Ct.

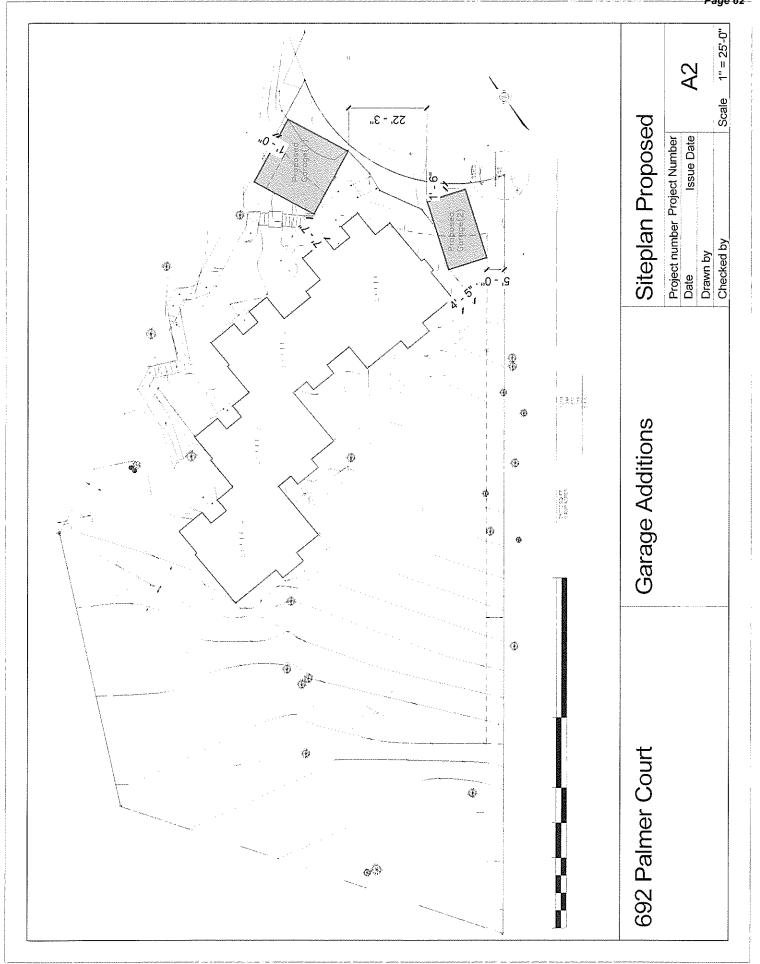


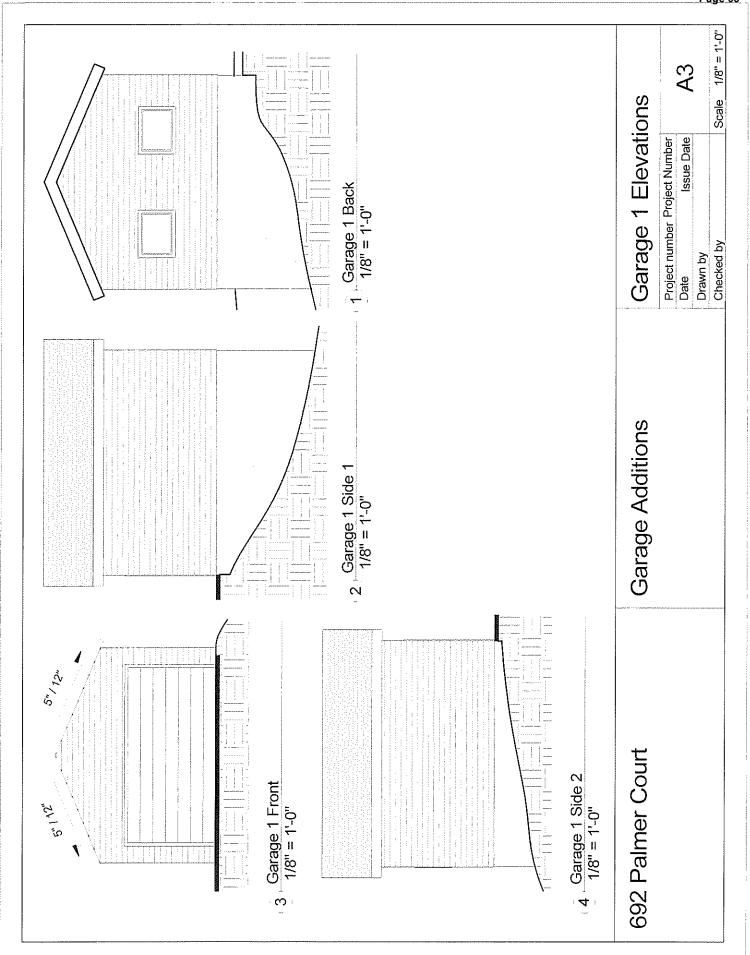
All properties in the Palmer Ct cul d sac, except 692 Palmer Ct have garages. Therefore there would be **No Granting of Special Privilege** 

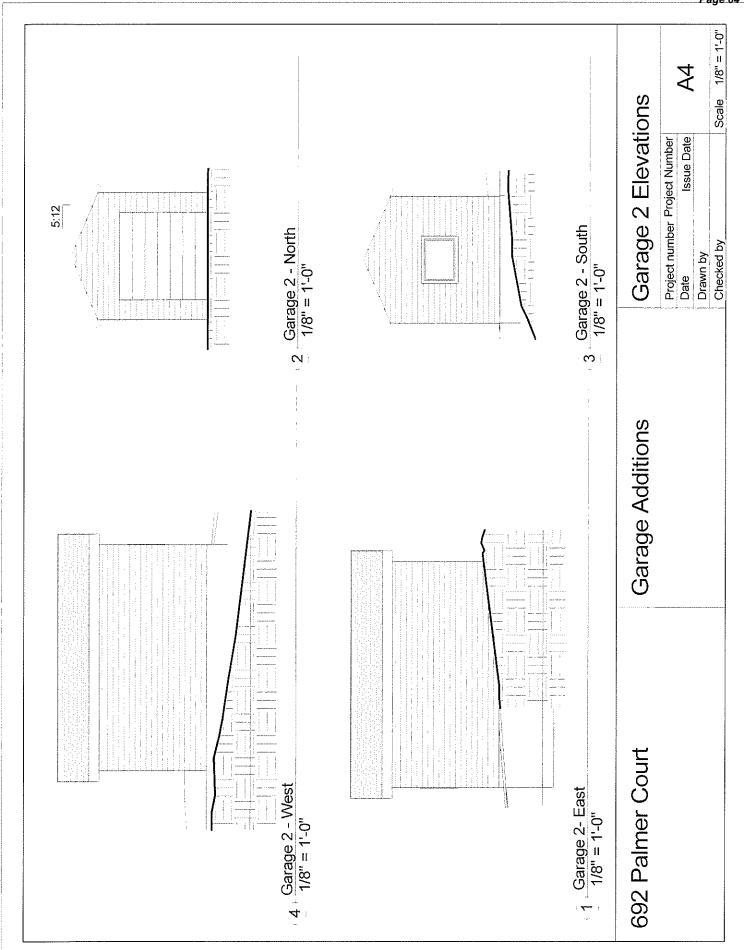


Our neighbors garage with their View of the Lake To The Back. They only visit in the summer. No neighbors view would be impacted









# Washoe County Appeal of Decision to Board of County Commissioners

Your entire application is a public record. If you have a concern about releasing personal information please contact Planning and Building staff at 775.328.6100.

Appeal of Decision by (Check one)  Note: Appeals to the Washoe County Board of County Commissioners are governed by WCC Section 110.912.20.					
☐ Planning Commission	☑ Board of Adjustment				
☐ Hearing Examiner	Other Deciding Body (specify)				
Appeal Date Information  Note: This appeal must be delivered in writing to the offices of the Planning and Building Division (address is on the cover sheet) within 10 calendar days from the date that the decision being appealed is filed with the Commission or Board Secretary (or Director) and mailed to the original applicant.  Note: The appeal must be accompanied by the appropriate appeal fee (see attached Master Fee Schedule).					
Date of this appeal:					
	nt Information				
Name: GREENVIEW Homeowyers  Address: 692 PAlmer Ct.  City: Treline Village State: NV.  Describe your basis as a person aggrieved by the decoration of the property  an owner of A property	Email: In 1 NSa Egmail. com Zip: 8945/ Cell:				
Appealed Decision Information					
Application Number: WP/AR 19-000  Project Name: GREENVIEW H  State the specific action(s) and related finding(s) you a  Board of Adjustment Deviced Uga  bo & Detriment to whom  granting the vorticuse would be  all of the other units on our	OI  OA GARAGES  are appealing:  Piance basel on one Variance would  on what we do notknow. And the  R a Special Privilege, even though  street have garages,				

Appealed Decision Information (continued)		
Describe why the decision should not have been made:  Building the away of does not impact any one view It to does not impact any Neighbor.		
Cite the specific outcome you are requesting with this appeal:		
Did you speak at the public hearing when this item was considered?		
Did you submit written comments prior to the action on the item being appealed?  Yes No		
Appellant Signature		
Printed Name: Jotex A. Hash		
Signature: A HAS L		
Date: 1 March 2019		



# WASHOE COUNTY BOARD OF ADJUSTMENT Meeting Minutes

**Board of Adjustment Members** 

Clay Thomas, Chair Kristina Hill, Vice Chair Lee Lawrence Brad Stanley Kim Toulouse Trevor Lloyd, Secretary Thursday, March 7, 2019 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, March 7, 2019, in the Washoe County Administrative Complex Commission Chambers, 1001 East Ninth Street, Reno, Nevada.

#### 1. \*Determination of Quorum

Chair Thomas called the meeting to order at 1:30 p.m. The following members and staff were present:

Members present: Clay Thomas, Chair

Kristina Hill, Vice-Chair

Lee Lawrence Brad Stanley Kim Toulouse

Members absent: None

Staff present: Roger Pelham, Senior Planner, Planning and Building

Division

Michael Large, Deputy District Attorney, District Attorney's

Office

Donna Fagan, Recording Secretary, Planning and

**Building Division** 

#### 2. \*Pledge of Allegiance

Chair Thomas led the pledge to the flag.

#### 3. \*Ethics Law Announcement

Deputy District Attorney Michael Large recited the Ethics Law standards.

#### 4. \*Appeal Procedure

Roger Pelham recited the appeal procedure for items heard before the Board of Adjustment.

#### 5. \*General Public Comment and Discussion Thereof

As there was no response to the call for public comment, Chair Thomas closed the public comment period.

#### 6. Approval of Agenda

In accordance with the Open Meeting Law, Member Lawrence moved to approve the agenda of March 7, 2019, as written. The motion, seconded by Member Toulouse, passed five in favor and none opposed.

#### 7. Possible action to approve February 7, 2019 Draft Minutes

Member Stanley moved to approve the minutes of February 7, 2019, as written. The motion, seconded by Member Toulouse, passed five in favor and none opposed.

#### 8. Public Hearings

The Board of Adjustment may take action to approve (with or without conditions), modify and approve (with or without conditions), or deny a request. The Board of Adjustment may also take action to continue an item to a future agenda.

**B.** Variance Case Number WPVAR19-0001 (Greenview HOA Garages) – For possible action, hearing, and discussion to approve a variance to reduce the front yard setback from 15-feet to 1 ½-feet and the northwest side yard setback from 5-feet to 1-foot. This variance would allow the construction of one single car garage and one two-car garage in the common area.

Applicant: Greenview HOA

• Property Owner: Jean Venneman, John & Doreen Maria Hash, Tao

Fung, and George & Nancy Learmonth

Location: 692 Palmer Ct.
APN: 128-310-05
Parcel Size: 4,356 sq. ft.

Master Plan: Urban Residential (UR)
 Regulatory Zone: Low Density Urban (LDU)

Area Plan: Tahoe

Citizen Advisory Board: Incline Village/Crystal Bay

Development Code: Authorized in Article 804 (Variances)

Commission District: 1 – Commissioner Berkbigler
 Staff: Julee Olander, Planner

Washoe County Community Services Department

Planning and Building Division

• Phone: 775-328-3627

E-mail: jolander@washoecounty.us

Chair Thomas opened the public hearing.

Chair Thomas called for member disclosures. There were no member disclosures.

Julee Olander, Washoe County Planner, provided a staff report presentation.

Member Toulouse said in the staff report it's mentioned it was built in 1979 and that all parking is on public street adjacent to unit one. Ms. Olander apologized. It was an error. She said they have two parking pads. She showed a picture of parking pad partially on the street and partially in the HOA common area. Member Toulouse asked about the parking provisions in 1979; Ms. Olander said she didn't research the parking requirements for 1979. Since 1993, one enclosed parking space and one parking space on the property is required. He asked if it's standard to require parking for residential development. Ms. Olander said yes, that is standard. She wasn't clear if parking was required in the '70s. Numerous people have requested variances for parking in this area.

Chair Thomas said adequate parking doesn't need to include covered parking. The parking pads are adequate. Ms. Olander said she doesn't believe the pad is completely off the cul-de-sac. She said they will have to do significant fill to support the garage near the State Lands. There is a portion in the public right-of-way and partially on the property. Chair Thomas asked if where the boat is parked in the picture is where the single garage is proposed. She said yes, they are requesting a one foot setback.

March 7, 2019 Washoe County Board of Adjustment Meeting Minutes

Member Hill said there is a car parked in front of the boat. Ms. Olander said she believe the car was in the public right-of-way. Ms. Olander put the picture on the screen for the public to view. Member Hill said she believes that parking was required in the 1979.

Member Stanley asked Ms. Olander if this would bring this closer to code. He asked how it is currently out of code. Ms. Olander said the current code requires two parking spaces per dwelling unit and one space must be in an enclosed garage. It's a four unit HOA; they would need four one-car garages and four parking spaces. Member Stanley asked about other disadvantaged lots that needed garages. Ms. Olander said the nearby units have garages. Those were built with garages. Member Stanley asked how this request is different than the August 17, 2017 request. Ms. Olander said they aren't asking for side setback on both sides. They are asking for a double car garage with a setback. Member Stanley said he wanted a State Lands report the last time it came forward. This time, the report provided by State Lands wasn't positive. He asked if it's conditioned. She said they made it clear they don't want variances on properties adjacent to Nevada State Lands.

Member Stanley asked legal counsel about the letter from Mr. Hash, Greenview HOA member, asking the Board to forget about the previous application, meeting minutes, and package from the past; how are we to address that. DDA Large said the February 4, 2019 CAB meeting was cancelled; the CAB members were given worksheets. Two CAB member worksheets were submitted with comments. The worksheets are part of the staff report along with other emails. The Board can review this information. CAB worksheets were submitted by the individual members, not by the CAB as a whole.

Member Toulouse asked about the reference to the Stream Environment Zone (SEZ), and if that zone is on State land. Ms. Olander said she wasn't aware of the SEZ; the State land's people didn't indicate it was on their land. It's not on the HOA property. Ms. Olander said she wasn't aware of SEZ adjacent to this project.

Chair Thomas spoke about current code. He asked if they were in violation of code because they were constructed in 1979 prior to current code coming into effect. He was concerned with snow removal. He asked if the snow will fall onto other people's property. Ms. Olander said any run off has to be maintained on your own property.

Member Hill asked where the State Land was in regards to this property. Ms. Olander said property to the northwest corner of the property where the two car garage is being proposed. Member Hill said there may be more ability to park more vehicles on the west side and one to two on east side. A two-car garage and one-car garage is limited for a four-unit complex. Ms. Olander said you couldn't park two cars on the pad; the cars are parking in the public right-of-way. Member Hill said at least there is parking regardless if it sticks out of the property. Member Hill asked where the other resident parks. Member Olander said not all four owners are there at the same time. If they were, one would be parking in public right-of-way.

Member Stanley asked if on-street parking is allowed. Ms. Olander said yes except in the winter on red days during snow removal. Member Stanley asked how many times a year can they not park on the street. Ms. Olander said she couldn't speculate that. He said in the August 17 2017 application, there was concern with sewer lines. Ms. Olander said the GID requires the sewer lines be moved; they would be moved prior to construction. He asked if this was mentioned by State Lands. She said no. Member Stanley asked about roofline, eaves proximity to State Land. Ms. Olander said it would be one-foot setback. They would have to construct something to prevent runoff into other property. It's a code requirement. The one-car garage has to put in a fire retardant wall with being one foot from another building, per fire regulations. Member Stanley asked about hold harmless for snow removal; Ms. Olander said that isn't in place now.

Member Lawrence referenced the snow picture. The two-car garage would be to the right of the walkway. He said the snow would shed onto the walkways. Ms. Olander said they will have to develop some relief to prevent snow shedding onto the walkway or State Lands. It's a challenging area. Member Lawrence asked if that plan will be presented to Washoe County. Ms. Olander said the Board is only reviewing the variances. The building permit process is different; it will identify other issues. This Board reviews the variance.

John Hash, the applicant and HOA representative, said this is their second attempt at submitting this application; there has been a lot of opposition. He said he was previously approved with conditions but it was overruled. He said you cannot receive a special privilege if everyone else has what you are asking for. He used the overhead to review the pictures from the staff report. The lots in this basin are TRPA approved after the lot line adjustment is approved. He spoke about roof line snow shed – there is tons of snow sitting on the Nevada Conservancy lot (State Lands). The snow doesn't finish melting until late spring. He said they have a 25-foot berm surround the lot. He referenced the snow picture. The garage would sit five feet from the neighbors' lot. The left lot would hold a single car garage. Not everyone will have a garage; one will have to do off street parking. He said it's not a Stream Environmental Zone. This is off of Route 431, the plow guy stores snow here. That snow load sits in the stream zone but melts onto their property, but not into the stream zone. TRPA allows for dry wells and roof drip trenches as per Best Management Practices (BMPs) requirements. An engineer would size it. He said they have tried to accommodate the neighbors. His neighbors have complained.

Member Hill asked how many of the four owners are full-time residents. Mr. Hash said just him. He said he has a residence in San Francisco. Member Hill said she wondered who else was full time. He said he lived there since 1996. He said he leaves when the tourists come.

Chair Thomas asked for clarification; four separate condos, but you are asking for garages for only three cars. Chair Thomas said not all four owners will have a garage, but you spoke about special privilege and how everyone has it. Mr. Hash said it's a first come first serve basis; it's in the common area. Mr. Hash said we haven't ever had all four people there. The plow guys leave berms because they cannot tell where we park; garages will help. Garages help with run-off from the street. Tahoe plans include garages to prevent oil run-off.

Member Stanley asked who owns the boat. Mr. Hash said it was a friend's boat. Nobody in the units owns a boat. There won't be room for a boat if we get a garage.

#### Public comment:

Pete Todoroff, Chairman of CAB, said there are four units with three vehicles accommodated. They knew there were no garages when they purchased the units in 1979. Pete Todoroff spoke about snowload on the structure. He said he has been a resident for 38 years. Garages will block the view and block access to the neighbor. He said he doesn't understand how the association will benefit. The Nevada State Land near the proposed two-car garage is a watershed. He said Wayne Ford, designer, knows a lot about this. Member Toulouse asked Mr. Todoroff about his CAB worksheet. There wasn't a meeting on February 4, 2019. It was cancelled, but the worksheet indicated the meeting was held. Mr. Todoroff said he submitted prior to meeting being cancelled. It's an error.

Member Stanley asked Mr. Todoroff about the stream zone. Mr. Todoroff indicated Mr. Ford is the expert.

Member Toulouse asked about the garage requirements. Mr. Todoroff said the other units had garages built; plus, the laws weren't as strict, in the past. It needs to be fair and equitable for everyone.

Wayne Ford said he sympathizes with the HOA. The TRPA code under life and safety indicates 400-feet is available for parking, if minimal parking can be demonstrated. If you can show the coverage is lacking, you can apply to purchase from Nevada State Lands to transfer. Just because there is limited coverage, that's not the end-all, be-all. There could be a parking deck or asphalt. TRPA cares about off street parking. He said he made that argument for coverage for an elevator. Coverage is available, but it's not cheap at \$40 per square-foot. The applicant feels they are put in a box, but there is a way out of it. They could make the findings for more options. As far as the stream zone, the parcel is Nevada State Lands. It's a high water table.

Mr. Hash (inaudible) spoke from the audience. Chair Thomas asked that Mr. Hash not shout from the audience.

Mr. Ford said you can transfer coverage with Nevada State Lands for any parcel. That is a 1-A resorted coverage. Member Lawrence clarified they could apply to TRPA to get coverage on Nevada State Lands to expand parking.

Member Hill, a planning consultant and previous planner for TRPA said this is a Sensitive Environmental Area. The residence property is steep. State Lands purchases properties to prevent them from being developed. It's a sensitive piece of land. Any additional coverage could cause runoff, additional erosion, saturation in the sensitive areas.

Member Toulouse said nothing has changed since August 2017, other than the letter from State Lands, which casts issues on proceeding further. It's additional reinforcement that it's not appropriate.

Member Stanley agreed with other members. It's difficult to make the findings, even more than last time.

Member Hill said there are numerous residential properties in Incline that do not have garages. The HOA at Tyrolian Village, most units do not have garages. It's part of the lifestyle up there.

Member Stanley said the motivator is to bring a site into code compliance. In this case, it's different. It will bring it 'closer' to code. We kind of solve a problem. We aren't solving a problem completely. Bringing it 'closer' isn't sufficient.

Chair Thomas agreed with colleagues; nothing has changed since the last time we saw this application.

Member Toulouse moved that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Board of Adjustment deny Variance Case Number WPVAR19-0001 for Greenview HOA, being unable to make finding numbers 2 and 3 in accordance with Washoe County Development Code Section 110.804.25. Member Hill seconded the motion which carried unanimously.

- 2. <u>No Detriment.</u> The relief will 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. <u>No Special Privileges.</u> The granting of the variance will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.

Roger Pelham read the appeal procedures.

#### 12. Adjournment

The meeting adjourned at 2:53 p.m.

Respectfully submitted by Misty Moga, Independent Contractor

Approved by Board in session on April 4, 2019

Trevor Lloyd
Secretary to the Board of Adjustment