

AX14-002

Community Services Department
Planning & Development
APPEAL APPLICATION



RECEIVED

JUN 27 2014

**WASHOE COUNTY
BUSINESS LICENSE DIV.**

Community Services Department
Planning and Development
1001 E Ninth St., Bldg A.
Reno, NV 89520

Telephone: 775.328.3600

Washoe County Appeal of Decision Application

Appeal of Decision by (Check one)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Board of Adjustment | <input type="checkbox"/> Hearing Examiner |
| <input type="checkbox"/> Design Review Committee | <input type="checkbox"/> Parcel Map Review Committee |
| <input type="checkbox"/> Director of Building & Safety (NRS 278.310) | <input type="checkbox"/> Planning Commission |
| <input type="checkbox"/> Director of Community Development | <input type="checkbox"/> Code Enforcement Officer |

Appellant Information

Name: <u>Grable B. Ronning</u>	Phone: <u>775-832-2270</u>
Address: <u>P.O.Box 7804 Incline Village, Nv.</u>	Fax:
<u>89450 snowylake@charter.net</u>	Email:
City: <u>Incline Village</u> State: <u>Nv.</u> Zip: <u>89450</u>	Cell:
Original Application Number: <u>VA14-004</u>	
Project Name: <u>Grable B. Ronning Residence</u>	
Project Location: <u>400 Gonowabie Road Crystal Bay, Nv.</u>	

Date of decision for which appeal is being filed:

State the specific action you are appealing: Action order by Washoe County Board of Adjustment June 5, 2014 Variance Case No. VA14-004 Denial of our application for a reduction of the side yard from 8 feet to 3 feet by the Washoe County Board of Adjustment.

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

See attached Pages 1-7
Attachments/ Exhibits 1-7

For Staff Use Only

Appeal Number:	Date Stamp
Notes:	Staff: _____

Appellant Information (continued)

Cite the specific outcome you are requesting under the appeal: **The request was for the side yard setback to be reduced from 8 feet to 3 feet for the development of a single family residence. We expect to have this approved due to the ability to make the finding that difficulties or hardship can be made for the parcel. This is under NRS Code 278.300 (1) (c) and Washoe County Code 110.804.25.**

State how you are an affected individual entitled to file this appeal: **The owner of the property at 400 Gonowabie Road, due to the denial by the Board of Adjustment has been limited, in the use of the parcel, which has now increased the difficulties and hardships for the ability to build on the lot. These difficulties and hardships should have been relieved under the allowed authority by the Board of Adjustment.**

Did you speak at the public hearing when this item was considered?	<input type="checkbox"/> Yes
	<input checked="" type="checkbox"/> No
Did you submit written comments prior to the action on the item being appealed?	<input checked="" type="checkbox"/> Yes
	<input type="checkbox"/> No

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

APPELLANT AFFIDAVIT

STATE OF NEVADA)
)
COUNTY OF WASHOE)

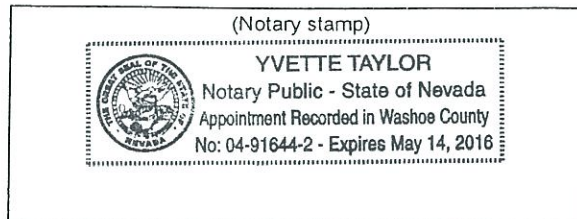
I, Grable B. Ronning, et al

being duly sworn, depose and say that I am an appellant seeking the relief specified in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by staff of the Department of Community Development.

Signed Grable B. Ronning, et al
Address P.O. Box 7804
Incline Village, NV 89450

Subscribed and sworn to before me this 27 day of June 2014.

Yvette Taylor
Notary Public in and for said county and state
My commission expires: 5-14-16



INSTRUCTIONS ONLY. DO NOT INCLUDE WITH APPLICATION SUBMITTAL.

Appeal of Decision Development Application Submittal Requirements

1. **Fees:** See fee sheet included in application packet.
 2. **Development Application:** A completed Washoe County Appeal of Decision Application form.
 3. **Appellant Affidavit:** The Appellant Affidavit must be signed and notarized.
 4. **Application Materials:** The completed Appeal of Decision Application materials.
 5. **Packets:** Either one electronic packet (DVD or flash drive) with 2 paper copies **OR** 10 paper copies. **If packet on DVD or flash drive is incomplete, a replacement or additional paper copies will be required.**
-

**Appeal of Variance Case Number VA14-004 (Ronning) decided by the
Washoe County Board of Adjustment on June 5, 2014**

Background and Summary

Mrs. Ronning and her family have lived in Incline Village/Crystal Bay as full time residents for 35 years. Both children attended school here, and both returned to the Lake to live after completing college. They are avid boaters and have thoroughly enjoyed their small 1944 cabin that they purchased in the early '90s at 400 Gonowabie Road. They are now looking forward to building a larger home to accommodate their growing family.

Gonowabie Road is a steep, narrow, one-way road that descends from the highway toward the lake and then makes an abrupt, sharp hairpin turn on the Ronning property. Once past the Ronning's cabin at 400 Gonowabie, the road begins to level out as it winds its way through an eclectic variety of homes on either side near the lake until it finally exits back onto the highway. This is a magnificent, rugged area of Lake Tahoe with a sprinkling of large granite boulders and a variety of older growth trees.

The Ronning's were once told by Dick Minto with the County Road Department that back in the day when the road was originally built, it was supposed to turn around the pump station. But the terrain was so steep that the County was forced to extend the asphalt onto the Ronning property in order to complete the turn. A couple of years ago the Ronning's gave the County an easement for the road at no cost to them. They also gave Nevada Division of State Lands an access easement to their property at no cost.

400 Gonowabie Road definitely has an "extra helping" of special circumstances that are particularly challenging when it comes to building. Development of the property is not just limited by a hairpin turn that is protected by a 30-foot high rock rip rapped bank, or an access easement for Nevada Division of State Lands, or a 36% slope. In addition all of the above, there is an unusually large outcropping of gigantic granite boulders stacked on top of each other right in the center of the building envelope. Large boulders also exist on either side of the existing cabin, as well as the lakeside portion of their property.

On the North side of the home, an historic tram cuts through the property at a diagonal in order to avoid the impossibly large boulders farther down the property. Because of this, the tram is like a barrier squeezing the building envelope on that side of their property. TRPA will not allow the tram to be moved. There are 98 stairs going down to the pier. Understandably, the Ronning's want to keep their tram as Mrs. Ronning is getting up in years and may need to use it one day to access the pier.

Mrs. Ronning applied for a variance to reduce the required side yard setback from eight (8) feet to three (3) feet for construction of a new single-family dwelling and was denied the variance by the Board of Adjustment on June 5, 2014. The Board of Adjustment's Action Order was filed on June 17, 2014.

The Board of Adjustment decision is inadequate for the following reasons:

Finding #1 Section 110.804.25 (a) – There exist special circumstances applicable to the property, including either the: (1) Exceptional narrowness, shallowness or shape of the specific piece of property, or (2) By reason of exceptional topographic conditions, or (3) Other 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.

The Board of Adjustment found "lack of special circumstances applicable to the property ..." (P.1 of BOA Action Order, Section 1)

We disagree because of the following exceptional situations and conditions that are located on the applicant's parcel:

1. A Hairpin Turn with an easement for the road that was recently given to the County by the applicant. This asphalt road reduces the usable area for building purposes on the parcel by 3,245 sf. The Turn also creates an arc or curve, which further reduces the area for building because one cannot build upon an arc of the road curve.
2. There exists a Rock Rip-Rapped Bank (located on the applicants parcel); installed by the County, bordering the Hairpin Turn that reduces the usable area for building by an additional 1,778 sf.
3. There is an access easement, which the applicant recently gave to the Nevada Division of State Lands that further reduces the usable area for building purposes by 263 sf.
4. The above three conditions render the entire western portion of the parcel from the eastern edge of the hairpin road to the western property line unusable for building purposes. The leftover unusable area (for building purposes) measures 2,422 sf.

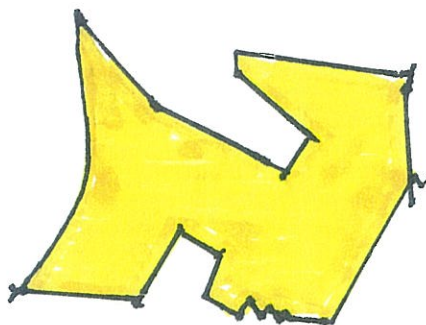
The above four extraordinary and exceptional situations reduce the applicants usable (for building purposes) parcel by a total of 7,708 sf which is 33.58% of the parcel. On the face of it the parcel is .52 of an acre, however the usable land for building purposes is .34 of an acre. We could identify no other property in Lake Tahoe that have **all** these special circumstances present on a single parcel, let alone in the same regulatory zone.

We further disagree with the Board of Adjustment's Finding #1:

Page 7 of Staff Report: Staff correctly stated the size of the parcel but ignored the Section 110.406.10 of the Washoe County Development Code Article 496 "Building Placement Standards." The influence of these standards affect the development area allowed for on the applicants parcel, which has been designated 1A Sensitive under the [TRPA] Bailey System. Staff report did not address the impact of the TRPA Code of Ordinances Chapter 30: Land Coverage 30.4.5 A(1-6) and B and those requirement's specific effect on the applicant's parcel. These requirements determine where the residence can and cannot be placed on this parcel and result in the necessity for a variance on the side yard as we have requested. The Washoe County Development Code Section 110.406.10 Article 496 "TRPA Standards" states:

Requirements for development occurring in the Tahoe area including, but not limited to, building placement standards shall be the most restrictive of Tahoe Regional Planning Agency standards and Washoe County standards.

These more restrictive TRPA standards place exceptional hardships and difficulties that have a specific impact on Mrs. Ronning's parcel in particular due to the causing of exceptional narrowness, shallowness or shape left over for the building area that reduce the allowed building area to only 21% of the parcel area. The parcel area is 22,954 sf. The usable area for construction is only 5,030 sf. However, **and this is important: by using all required regulations and special circumstances that influence this particular property, the building envelope must be a peculiar shape, which is depicted below and attached with more detail as Exhibit #1.**



Staff limited the comparison of the applicant's parcel at 400 Gonowabie Road to only one other parcel in the "identical regulatory zone." There are 2,958 properties in the MDS Zone for Incline Village and Crystal Bay. The comparison parcel, which included photographs, was the next door neighbor's parcel to the North at 410 Gonowabie Road (Livoni Parcel). The Board of Adjustment, even when presented evidence by the applicant that the Livoni Parcel as well as other parcels in the same regulatory zone do not have the same topographic conditions and restrictions as the applicants parcel, failed to make a finding of special circumstances. The special circumstances on the applicant's parcel are severe and not present on other parcels in the same regulatory zone.

Recommendations by Staff and Discussion by the Board of Adjustment during the Hearing, which ultimately led to the Action Order Findings and Denial of the Variance that are Irrelevant to the Variance Code:

Staff used incorrect square footage in its report and presentation to the Board of Adjustment at the hearing. The garage, which is at street level of Gonowabie Road, is not 1,680 sf or 1,700 sf as presented by Mr. Pelham during the hearing. The three car garage is 960 sf. Those misrepresentations to the Board of Adjustment mislead them to the options implied by Staff for a design change. Staff strayed from the required findings and the NRS Code 279.300(1)(c) and the directive to the findings that have to be made. This occurred due the subjective introduction of "size" into the Staff Report and Hearing discussion regarding the need for a variance.

In addition to the mistake and misrepresentation by Staff of the actual area for the garage, Staff asserted that the dwelling is 85 feet wide. (Page 11 of the Staff Report):

The proposed dwelling is approximately 85 feet in width at the widest point, although it is proposed to be placed at an angle to the parcel lines, a dwelling with that dimension exceeds the natural limitations of a parcel that is approximately 95 feet in width. (emphasis added).

This measurement cited by Staff is not representative of the true width that can be worked with because the dwelling must be placed at an angle. The actual structural width is 55 feet. This is the actual width of the rooms in that area: kitchen 12 feet, living room 25 feet, master bedroom 18 feet.

It is not relative to the opinion given that the home is too big for the parcel. We do not have 95 feet to work with even if there were no special circumstances (of which there are many). With only the county setbacks factored, the building area for the home would be 79 feet wide and the special circumstances reduce that to 64 feet wide. Staff, by using exaggerated numbers, is creating the impression that the size of the residence is too big for the lot by using numbers that do not relate to the actual building area that truly exists. We are not exceeding the natural limitations of the parcel as Staff alleges.

By allowing size to be a criteria and not keeping to the specific findings required, the discussion by the Board of Adjustment did not center around the documented "special circumstances" unique to the parcel, but instead focused on how the proposed home could be further restricted in development by having us change the design, essentially saying to make it smaller.

The parcel is already restricted in the area of the allowable development by more than 50%. The parcel that was compared to at 410 Gonowabie Road (Livoni Parcel), next to the Ronning parcel has an allowed development area of 62% of the 17,146 sf total parcel area. The Livoni parcel under the same TRPA rules, because of not having all the special constraints imposed by the TRPA Code and County and State easements, and the slope and boulders, has a development area of 10,648 sf.

Though the Ronning parcel totals 22,954 sf, due to all the extraordinary and exceptional circumstances, it has a building area of 5,030 sf or only 21% of the total parcel area that results in a peculiar shape. Even with the variance this would only go to 22%.

The imposing of "further design" constraints will increase the hardships and difficulties already present. "Size" is not part of the discussion for variance findings and is not appropriate to base the denial from the Board of Adjustment.

Because of the omission of evidence, that was not presented by Staff, the Board of Adjustment Action Order finding that there were "lack of special circumstances" was not based on the evidence presented by the applicant that corrected the false conclusions arrived at in the Staff Report and Staff Presentation during the Hearing.

The finding of Special Circumstances can be made applicable to the property, including (1) Exceptional narrowness, shallowness or shape of the specific piece of property, and/or (2) By reason of exceptional topographic conditions, and/or (3) Other extraordinary and exceptional situation or condition of the property and/or location of surroundings and the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.

FINDING #2: Section 110.804.25(b) – No Detriment.

The Board of Adjustments found that the relief requested would create a "substantial detriment" to the public good. (P1 of BOA Action Order, Section 1).

Staff Report p.11 of 22: The Staff Report indicates that detriment "in the form of disturbance of public lands and possible run-off of water and snow..." due to "the possibility of eaves and other architectural features as close as one foot from public lands."

The Nevada Division of State Lands (NDSL) owns the property bordering Mrs. Ronning's to the South where the variance is being requested. Mr. Charles Donohue, Acting Administrator (previously Deputy Administrator) of NDSL is an experienced administrator, in charge of property impact issues. Mr. Donohue wrote an email (to Mrs. Ronning's attorney, Ms. Dennison) clearly stating: "After a review of the material and a call to Wayne Ford, I feel comfortable that your client has made a good faith effort to address these conditions and incorporate them into the design and construction of the new home." Those conditions are:

1. There will be no encroachment on the State Property including roof overhang.
2. There will be no water runoff or snowfall from the planned structure on the State Property.
3. There will be no entry on the State Property for construction purposes.
4. There will be no material disturbance to the State Property either before, during or after construction.

The Staff Report makes some incorrect assumptions about possible eaves and architectural structure. Staff Report p.11 of 22: "The Development Code allows over-hang of eaves and other architectural features up to two feet. Approval would create the possibility of eaves and other architectural features as close as one foot from public lands. The plans submitted by the applicant show the eaves proposed to be within the remaining three-foot setback in some locations, but no dimensions are provided." In fact, the plans submitted by Mr. Ford with the variance application show on Sheet 5, in a dashed line, roof-systems for the bedrooms and garage with maximum overhangs of 12 inches. So there is no overhang or architectural feature closer than 2 feet to the property line shared with Nevada Division of State Lands. Further, our eaves that over-hang the remaining 3 foot setback only do so in a few locations, are not continuous and again are never closer than 2 feet to the property line. To reiterate: Nevada Division of State Lands has reviewed our plans (especially focusing on this issue) and they do not have any objections to our variance.

Run-off of Water and Snow Prevention Systems:

The roof and eaves on the side of the residence requesting the variance face due South. This Southern Exposure allows the Sun to hinder large amounts of snow accumulation on this area of the roof. Any snow on the roof is prevented from falling off by Snow Guards. In addition, a Snow Melt system is utilized that stops any snow from building up and possibly moving down the roof. The Snow Melt System has a 2 foot 6 inch heated perimeter made of copper that starts at the edge of the eave and goes up to where the

asphalt roofing starts. The copper is ribbed and heated. Melted snow (run-off water) is collected by a gutter and down spout "Gutterglove Icebreaker" System [See Exhibit #2] that is also heated and discharges to an on-site drywell. All run-offs are contained on-site. The heating systems are backed up by a generator in case of power outage. The combination of these systems has been proven effective over time. The Nevada Division of State Lands has a high standard for prevention of run-off onto their properties. Mr. Donahue (NDSL Administrator) found our three systems more than adequate to protect their property from snow, snow melt and runoff control that maintain all those will remain on our parcel, and again, he presented no objection to our variance request.

The Staff Report's assertion that "enforcement would be problematic" is not based on any statements of fact and carries no authority or proof in making this claim.

Staff Report p.11 of 22:

The Staff Report also contends that "The applicant seeks to reduce the required side yard setback to three feet, measured at the foundation of the dwelling."

In fact, as shown on the plans Mr. Ford submitted with the variance application the foundation is four feet or greater in all but three corners.

There are two letters/emails from both directly adjacent neighbors (including the property to the South where our variance is being requested) voicing no objection to the variance:

1. Nevada Division of State Lands, Mr. Charles Donohue – Parcel # 123-211-07 [Exhibit #3]
2. Richard J. Livoni – 410 Gonowabie Rd, Parcel # 123-145-05 [Exhibit #4]

There were actually two emails from Mr. Livoni. The first email voiced an objection to the variance based on a misunderstanding. After that was cleared up, Mr. Livoni sent an email retracting his objection to the variance. Of note: Staff only included Mr. Livoni's letter of objection in its report.

The Staff's report and exhibits did not show any agency or individual in objection to Mrs. Ronning's variance. Neither were there any agency or individual objections made during the hearing.

In fact, there were only letters that would support of the variance, including letters (in Worksheet" form) in recommendation of the variance by two Incline Village/Crystal Bay Citizen Advisory Board (CAB) members. The letter from CAB member, Gerry Eick, is attached [Exhibit #5]. The letter from CAB member Deborah Nicholas [Exhibit #6] is quoted below:

"I have no specific issues against this project. It appears to be a way of providing the home with a safe and adequate garage which is necessary at this elevation. Given that the fire department did not have issues with safety and no safety issues indicated by neighbors, I would be in support of offering this owner the ability to have a garage for vehicles as many of his/her neighbors have had to make use of areas in the setback to obtain covered parking."

We were told that Ms. Nicholas' letter came in too late for Staff to include in its Report; however Staff briefly showed it on the overhead projector during their presentation.

We received a letter of approval from the North Lake Tahoe Fire Protection District (NLTFPD) [Exhibit #7]. It is dated May 28, 2014; however it was not in the Staff Report or in the Staff Presentation at the Hearing. It states in part: "... the plans would meet the 2012 International Fire Code, 2012 International Wildland-Urban Interface Code, NLTFPD Resolution 13-1 and 13-2. The plans dated May 19, 2014 would be approved by NLTFPD when you submit for a building permit."

In Mr. Pelham's presentation he suggests that the applicant should adjust the garage out of the side yard setback and utilize a front yard setback closer to Gonowabie Road. Doing this would actually create a detriment to the public good. The geometry arc of the Hairpin Turn road radius on the applicant's property effect the front and side yards, effectively pushing the building envelope from the front to the side as the slope quickly increases and the road quickly narrows as you move from South to North along the edge of

the road near where the garage is proposed. When you have only one elevation to set the garage at for a three or even a two car garage and you have the cross slopes that exist on the turn, you cannot shorten the driveway. When you do it makes it too steep to meet Code.

This is a complex issue specific to this parcel. Mr. Pelham's lack of thorough knowledge is understandable; however, he ended up misleading the Board of Adjustment to believe we had other options for garage locations, which prevented the Board from making the finding in favor of the variance.

Our proposal places the garage in the safest location for the applicant and the public.

The finding of the Board of Adjustment of a "substantial detriment the public good" is inconsistent with the record, which showed that the requested relief met the required "no detriment" finding in Sections 100.804.25(b).

FINDING #3: Section 119.804.25(c) – No Special Privileges.

The Board of Adjustment found that granting the variance would 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. (P2 of BOA Action Order, Section 1).

Staff Report p.11 of 22:

Staff asserts that it is unable to make the required finding of no special privileges using for the following reasons:

1. Other properties in the vicinity have the same limitations.
2. Other properties are in the same regulatory zone.
3. There is no physical constraint requiring the reduction of the required (8 foot) setback.
4. A (minor) redesign might be to reduce the size of the house (by 2.6%).
5. Simply reconfigure the proposed dwelling to move that floor area elsewhere on the parcel.

The variance does not create a Special Privilege because the accumulation of Special Circumstances, especially when taken as a whole, that are specific to this property alone and warrant the granting of the variance. Granting the variance would recover a minor amount of the development area that has been severely restricted and reduced by the Special Circumstances. In the immediate area on Gonowabie Road there are at least 5 other houses with 3 (or more) car garages. Whereas the typical/average neighbor in the area has a development area of 58-68% of their parcel size, the applicant's developable area is a mere 21-22% of the parcel size and that size is in a peculiar shape. We could find no other property in the vicinity or regulatory zone with all the same circumstances on one parcel.

On Gonowabie Road, 90% of the homes (with lesser findings) have been granted variances. These properties have lesser findings than exist on Mrs. Ronning's parcel.

We respectfully disagree with the Board of Adjustment finding and the Staff recommendation that the variance would constitute a "Special Privilege." Mrs. Ronning is actually denied a privilege common to other property owners in the area. Granting the variance would only restore a privilege and not grant a special privilege.

Finding #4: Section 119.804.25(d) – Use Authorized

The granting of a Variance is authorized within the Medium Density Suburban Zone in the WCC if the property has exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property exist and would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships. Section 110.804.25 permits the granting of Variances when the following conditions pertain to the property: "Special Circumstances," "No Detriment" and "No Special Privilege" and (no) Effect on a Military Installation." The Board of Adjustment's finding that granting the variance as requested would constitute a use which is not otherwise expressly authorized by the

regulation governing the parcel is in error. Mrs. Ronning requests that the Commission find that the use is authorized pursuant to Section 110.804.25(d).

Finding #5: Section 110.804.25(e) – No Effect on a Military Installation

There is no military installation in the vicinity. Therefore, there would be no impact as was concluded by the Staff Report and the Board of Adjustment's Action Order.

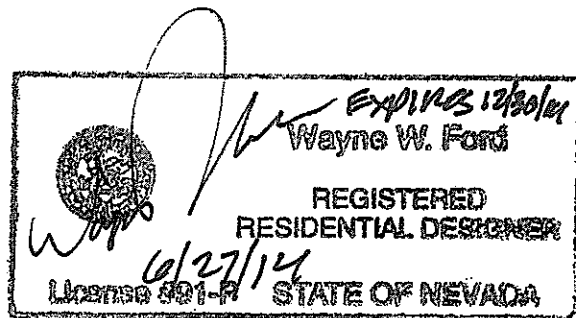
Conclusion

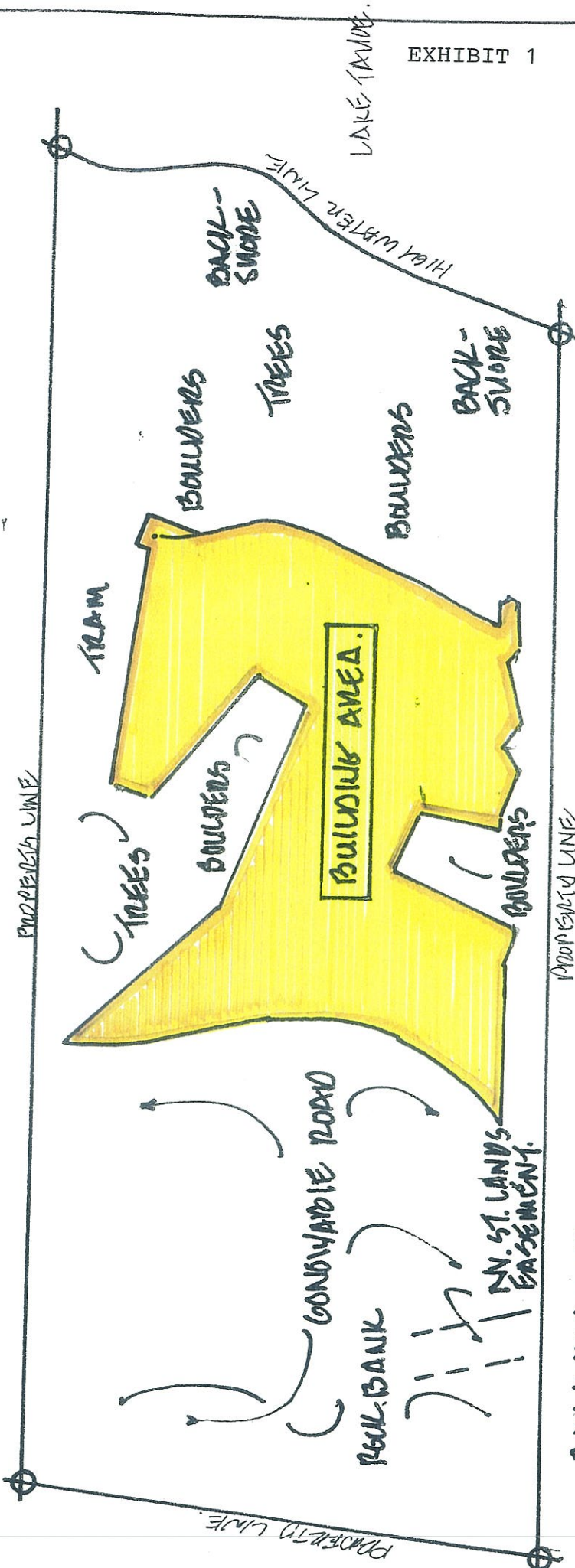
The variance process is the "safety valve" by which ordinances can remain in operation and constitutional without causing significant hardship on residents of a jurisdiction. While zoning ordinances are extremely important to ensuring consistency in communities, at times the stringent application of standards can be contrary to the purpose for which they were intended and cause unnecessary difficulties and hardship. NRS 278.300(1)(c), as well as the provisions in WCC 110.804.25 grants the County the latitude to grant variances in cases such as these, based on an assessment of the circumstances. Staff and the Board of Adjustment primarily based their decisions around the "size" of the home being too big, which is not a criterion set forth in the Codes.

NRS 278.300(1)(c) states:

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

Mrs. Ronning, the applicant, believes that the case made above clearly fits the criteria established in the Statute. The Ronning's parcel is challenged in a number of ways not present on other properties. The Variance had no objections from any Neighbors, Citizen Advisory Boards, or Agencies. The Variance request incorporates consideration and safety. The Board of Adjustment made their decisions based substantially upon the reasoning and recommendations made by the Staff Report and its Presentation. That report and presentation contained misstatements, omissions and strayed from necessary "findings". Other properties in the area, of which none have the same cumulative challenges as Mrs. Ronning's parcel, have variances. The Ronning's respectfully request that the Commission overturn the findings of the Board of Adjustment and grant the variance as requested.





RUNNING PARCEL
 400 CONVARIABLE ROAD
 THE MAP FOR ROAD AREA NO SCALE.

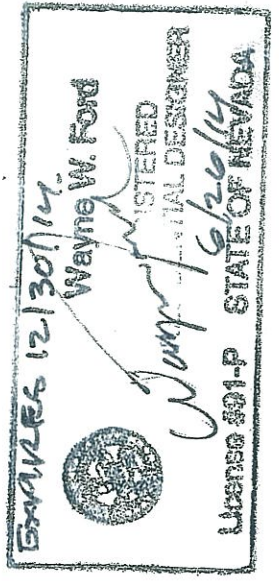


EXHIBIT 2

EVENT LOG IN CREATE EVENT ACCOUNT CONTACT US SUBSCRIBER SERVICES COUPONS & DEALS SPECIAL SECTIONS

June 27, 2014

PLACER HERALD

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10

Gutterglove gets Consumer Reports' seal of approval

By: Teresa O'Hanlon, Placer Herald Correspondent



Photo Now

Robert Lenney has pulled thousands of Northern California homeowners out of the gutter and it's really paying off. The Rocklin co-founder and lead inventor of the Gutterglove line of gutter guards said his company has the best product in the industry and now Consumer Reports is backing him up. The September 2010 issue ranked Gutterglove Incorporated's Gutterglove Pro No. 1 in all categories when compared to other gutter guard brands. "After 16 months of testing, Consumer Reports realized our Gutterglove technology was better at filtering debris out and letting rain go into the gutter," Lenney said. "Our technology is taking over the industry." Technology Lenney and partner John Lewis spent years perfecting after starting a gutter-cleaning business in the mid 1990s. "Ironically, we would get gutter cleaning jobs that had gutter guards on top of them," Lenney said. "We thought, 'Why would someone pay so much money to have a gutter guard installed and still have to go and clean the gutter?'" After observing how other products failed to keep out dirt, pine needles and leaves, while often collapsing into the gutter after a storm, Lenney and Lewis sought out a better system. For strength and durability, they use the same anodized aluminum found on the Sears Tower in Chicago. Their mesh rain filter has 8,100 holes per square inch. "The mesh is the highest grade of stainless steel on the market," Lenney said. "The same kind that's used in underwater applications

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because it won't rust or corrode." Popular Mechanics' July 2010 issue highlighted the Gutterglove filtering system in a technology report because the product qualifies for high-fire zones under the new California fire code. Consumers have caught onto Gutterglove coverage and sales are storming. "We've just been really pleased with it," said Rocklin homeowner Joyce Wilson who purchased a Gutterglove system about two-and-a-half years ago. "We just did an extension to our home and when (the contractor) looked into the gutters they almost looked brand new. I was just really impressed." Gutterglove Incorporated has 150 dealers across the country and four product lines, ranging in price from \$6 to \$17 a foot, including professional installation. Lenney expects to sell more than a million feet of Gutterglove in 2010. "It's amazing to see the growth that we've had," said Galen Powers, production manager. "In the last couple years we've developed new products to reach different markets. Before we only had a commercial-grade product that was engineered to extreme strengths and now we have some different levels. So for someone with a regular residential home, they don't always need the top-of-the-line product." Gutterglove Icebreaker uses ice-melting technology to prevent gutter damage from sliding snow and also eliminates icicles. Homeowners can use the Icebreaker or other Gutterglove gutter covers as part of a snow and rain harvesting system for long-term water storage. "The reason why Gutterglove is being used by rain harvest contractors is because Gutterglove filters out all the debris," said Lenney, who is also accredited through the American Rainwater Catchment Systems Association. The Environmental Protection Agency reports the average American household uses about 400 gallons of water a day. Gutterglove presents a green alternative for consumers who want to store water for farming, fire protection or emergency reserve. Lenney, who employs 15 workers at his Rocklin office and warehouse, said Gutterglove systems are

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EXHIBIT 2 CONT:

installed on thousands of homes, historical sites and several buildings at Stanford University. The company's 25-year warranty guarantees gutter cleaning will be a task of the past and ensures product performance. "It's the most expensive gutter guard made in the industry," he said. "They tradeoff - it's the best." For more information on Gutterglove visit www.gutterglove.com. Want to get your gutters gloved? Who: Gutterglove Incorporated Information: www.gutterglove.com (916) 624-5000

Keywords:

Gutterglove business Robert Lenney John Lewis Rocklin gutters house

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EXHIBIT 3

From: G [snowylake@charter.net]
Sent: Wednesday, May 14, 2014 12:07 PM
To: Pelham, Roger
Cc: 'Eric R'; 'G'
Subject: VA #1400-4

Attention: Mr. Roger Pelham
Senior Planner
Washoe County Planning
May 14, 2014
VA #1400-4

Dear Mr. Pelham:

My name is Grable Ronning. I am the Trustee of 400 Gonowabie Road in Crystal Bay, NV. As you know, my planner and designer, Mr. Wayne Ford, is requesting a 3' setback variance to my Southern side boundary line which I share with an adjacent property owned by Nevada Division of State lands. This variance request, VA #1400-4, is being heard before the Washoe County Board of Adjustments on June 3, 2014.

Below please find a copy of an email from Mr. Charlie Donohue of Nevada Division of State Lands sent to my lawyer, Karen Dennison, Esq. Mr. Donohue's email essentially states that Nevada State Lands will not oppose our request for a side setback variance to State Lands' property. After reviewing the plan sheets and speaking with Mr. Wayne Ford, Mr. Donohue has determined that Nevada State Lands is comfortable that we are making a good faith effort to respect and address all of their concerns and conditions.

It's my understanding that 99% of the properties along Gonowabie Road in Crystal Bay have variances. At our recent hearing before the Crystal Bay Advisory Board it was noted that because the structure is not parallel to the side property line, only a corner of the garage and a corner of the master bedroom are within the side setback, rather than the entire side of both structures.

Please don't hesitate to contact me, Mr. Wayne Ford or Mr. Donahue if you have any questions or concerns. I appreciate your consideration of our variance request and hope you are able to recommend its approval to the Board of Adjustments.

Thank you!

Grable B Ronning
snowylake@charter.net
(775) 832-2270
P. O. Box 7804
Incline Village, NV 89450

From: Charlie Donohue [mailto:cdonohue@lands.nv.gov]
Sent: Monday, April 28, 2014 1:51 PM
To: Karen Dennison
Cc: Kevin A. Benson; Charlie Donohue; GEORGE TAYLOR
Subject: Ronning Variance

Ms. Dennison:

Last week NDSL staff met with George Taylor and our current Deputy Attorney General, Kevin Benson, to review the stipulation and order regarding your client's property and the state's Himmelright property. Specifically we discussed Grable Ronning's redevelopment proposal and a request to Washoe County for a side setback variance. Thank you for the plan sheets and Wayne Ford's additional information regarding construction methodology and bmps associated with both the water runoff and snow melt.

Clearly the state agreed to not challenge such a request from your client to the County if the four conditions could be met. After a review of the material and a call to Wayne Ford, I feel comfortable that your client has made a good faith effort to address these conditions and incorporate them into the design and construction of the new home.

On another matter, the order has the primary contact for this agency listed as Jim Lawrence. Jim is still with the Department but no longer works for State Lands so if both you and your client could make a note to contact me in the future that would be appreciated.

If you have any questions or comments regarding this issue please feel free to contact me directly.

Charlie

Charles Donohue
Acting Administrator
Nevada Division of State Lands
901 S. Stewart Street - Ste. 5003
Carson City NV 89701
Direct Phone - 775- 684-2738
NDSL Main Line - 775-684-2720

From: Beribshire@aol.com

To: Pelham, Roger

Cc:

Subject: Re: Venance Case # Va14-004: Reasoning - Objections, Livoni

Dear Mr. Pelham,

After receiving additional information on the Reasoning property, I wish to withdraw my objection to the variance on the south side of her property. Initially I had thought it affected the north side next to my property.

Thank you.

Richard J. Livoni First Family Ltd Partnership

Richard J. Livoni

Sent: Sat 05/31/2014 11:52 AM

EXHIBIT 4

VA14-004 Public Comments

Washoe County Citizen Advisory Boards
CAB Member Worksheet



Citizen Advisory Board: Incline Village/Crystal Bay

Meeting Date (if applicable): 5/6/2014

Topic or Project Name (include Case No. if applicable): VA/4-004 Ronning

Please check the appropriate box:

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

Identified issues and concerns:

Clearly need variance to allow planned development.

Have address concern for access & respect for topography & vegetation.

Believe they have adequately addressed access to adjacent parcel.

Suggested alternatives and/or recommendations:

My recommendation is to grant the variance. Adjacent property has been reasonably considered & will not be significantly impacted.

Name Gerard W Eick Date: 5/21/14

(Please Print)
Signature: Gerard W Eick

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole.

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

Commissioner's Name: Marsha Beckbigler

Use additional pages, if necessary.

Please provide in person, mail, fax or email completed worksheets to the Administrative Recorder for your CAB.

Washoe County Citizen Advisory Boards CAB Member Worksheet

WASHOE COUNTY
NEVADA

Citizen Advisory Board: Incline Village Crystal Bay

Meeting Date: _____

Topic or Project Name (Include Case No. if applicable): VA14-004

Please check the appropriate box:

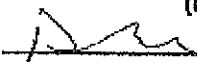
My comments were (or) were not discussed during the meeting.

Identified issues and concerns:

I have no specific issues against this project. It appears to be a way of providing the home with a safe and adequate garage which is necessary at this elevation.
Given that the fire department did not have issues with safety and no safety issues indicated by neighbors, I would be in support of offering this owner the ability to have a garage for vehicles as many of his/her neighbors have had to make use of areas in the setback to obtain covered parking.

Suggested alternatives and/or recommendations:

Name JEROME WILSON Date: 6/1/14
(Please Print)

Signature: 

This worksheet may be used as a tool to help you take notes during the public testimony and discussion on this topic/project. Your comments during the meeting will become part of the public record through the minutes and the CAB action memorandum. Your comments, and comments from other CAB members, will and shall not collectively constitute a position of the CAB as a whole.

You may also complete this worksheet and send it separately to your County Commissioner.

Commissioner's Name: MARSHA BECKBISLER

Use additional pages, if necessary.

Worksheets may be mailed to:

Washoe County Community Development
Attn: CAB Program
Post Office Box 11130
Reno, NV 89520-0027

EXHIBIT 7



NORTH LAKE TAHOE FIRE PROTECTION DISTRICT

866 Oriole Way - Incline Village, NV 89451-9439
(775) 831-0351 Fax (775) 831-2072 www.nltfpd.net
Michael D. Brown Fire Chief

To: Wayne Ford

From: Mark Regan, Assistant Fire Marshal

Date: May 28, 2014

Subject: 400 Gonowabie Road- APN 123-145-04

After reviewing the plans you dropped off at my office on May 19, 2014 for 400 Gonowabie Road, the plans would meet the 2012 International Fire Code, 2012 International Wildland-Urban Interface Code, NLTFPD Resolution 13-1 and 13-2. The plans dated May 19, 2014 would be approved by NLTFPD when you submit for a building permit.


Mark Regan
Assistant Fire Marshal
775-461-6200